

# FEDERAL REGISTER



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## Rules, Regulations, Orders

### TITLE 24—HOUSING CREDIT CHAPTER I—FEDERAL HOME LOAN BANK BOARD [Res., 10-15-41]

#### PART 2—ORGANIZATION OF THE BANKS RESOLUTION INTERPRETING THE TERMS "ACTIVE POLITICAL OFFICE" AND "COM- PENSATION"

*Be it resolved*, That the resolution of August 16, 1939, relating to political offices be and the same is hereby amended to read as follows:

*Resolved*, That the words "active political office" as set forth in subparagraph (14) of paragraph (a) and in paragraph (d) of § 2.4 of the Rules and Regulations for the Federal Home Loan Bank System shall be deemed to mean a political or public office, whether elective or appointive, in the service of the United States, or of any State, territory, county, district, political subdivision, or municipality thereof, or a membership in a political party committee.

*Resolved further*, That the word "compensation" as set forth in said subparagraph (14) of paragraph (a) and in paragraph (d) shall be deemed to mean any salary, fee, retainer or other form of compensation which is substantial.

*Resolved further*, That in view of the many types of political and public offices, the Board will determine in each case whether an office or membership held by a candidate or director and whether the compensation received is within the spirit of this resolution.

(Sec. 7 (c), (d), (e), (i), (j), 47 Stat. 730, 731, as amended by sec. 3, 49 Stat. 294; 12 U. S. C. 1427 (c), (d), (e), (i), (j), and Sup.)

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 41-7893; Filed, October 20, 1941;  
10:31 a. m.]

[Res., 10-15-41]

#### PART 2—ORGANIZATION OF THE BANKS QUALIFICATIONS OF DIRECTORS OF THE FED- ERAL HOME LOAN BANK SYSTEM

*Be it resolved*, That, no hearing hav-  
ing been requested in accordance with

the provisions of paragraph (d) of § 8.3 of the Rules and Regulations for the Federal Home Loan Bank System after opportunity therefor was allowed in accordance with paragraph (c) thereof, § 2.4 of the Rules and Regulations for the Federal Home Loan Bank System is amended, by the addition of a new paragraph, effective October 20, 1941, to read as follows:

#### § 2.4 Directors

(d) *Holding political office*. No person who holds an active political office for which he receives compensation shall hold office as a director of a Bank. (Sec. 7 (c), (d), (e), (i), (j), 47 Stat. 730, 731, as amended by sec. 3, 49 Stat. 294; 12 U.S.C. 1427 (c), (d), (e), (i), (j), and Sup.)

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 41-7892; Filed, October 20, 1941;  
10:29 a. m.]

### TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-118 and A-476]

#### PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF OAKDALE MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR MODIFICATION OF MINIMUM PRICES ESTABLISHED FOR THE COALS OF ITS OAKDALE MINE (MINE INDEX NO. 304) FOR SHIPMENT FOR RAILROAD FUEL USE, AND IN THE MATTER OF THE PETITION OF BULGER BLOCK COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR MODIFICATION OF MINIMUM PRICES ESTABLISHED FOR THE COALS OF ITS BULGER MINE (MINE INDEX NO. 285) FOR SHIPMENT FOR RAILROAD FUEL USE

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the

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# FEDERAL REGISTER

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Bituminous Coal Division by Oakdale Mining Company (Docket A-118) and by Bulger Block Coal Company (Docket A-475), code members in District 2, seeking a revision of the effective minimum prices applicable to railroad fuel produced at the Oakdale Mine (Mine Index No. 304) of the Oakdale Mining Company and the Bulger Mine (Mine Index No. 285) of the Bulger Block Coal Company, by eliminating these mines from Group 2 and placing them in Group 4, thereby reducing the minimum prices for their coals by 25 cents in Size Groups 1 to 6 and by 10 cents in Size Groups 7 to 10; Petitions of intervention having been filed by District Boards 2, 3 and 6 and by Harmon Creek Coal Corporation, a code member in District 2;

A hearing having been held before a duly designated Examiner of the Division in Washington, D. C., on February 3, 1941;

The Examiner, Floyd McGown, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated September 4, 1941, recommending that the relief prayed for by the original petitioners be granted;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is ordered, That § 322.9 (Special Prices—(c) Railroad fuel) and § 322.7 (Alphabetical list of code members) in

the Schedule of Effective Minimum Prices for District No. 2 For All Shipments Except Truck and Supplement 2 thereto be and the same hereby is amended as follows:

The table of mine index numbers by groups as set forth in § 322.9 (c) in said Schedule and in § 322.7 in Supplement 2 thereto is amended by eliminating Mine Index Nos. 304 and 285 from Group 2 and by inserting Mine Index Nos. 304 and 285 in Group 4, so that the railroad fuel prices listed in § 322.9 (c) in said Schedule for Group 4 mines shall apply to the petitioners' Oakdale Mine (Mine Index No. 304) and Bulger Mine (Mine Index No. 295).

Dated: October 17, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7881; Filed, October 20, 1941; 10:19 a.m.]

[Docket No. A-355]

### PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF CONSUMERS MINING CORPORATION, A CODE MEMBER IN DISTRICT 8, FOR A RECLASSIFICATION OF ITS COALS FROM LOW VOLATILE TO HIGH VOLATILE

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with the Bituminous Coal Division by Consumers Mining Corporation ("Petitioner"), a code member in Subdistrict 9 (Low Volatile) of District 8, seeking a revision of the effective classifications and effective minimum prices established for certain coals (low volatile) in Size Groups 3 and 4 and for on-line railroad fuel, produced at its Premier Mine (Mine Index No. 377) in District 8.

An intervening petition was filed by Raven Red Ash Coal Company, a code member in Subdistrict 9 (Low Volatile) of District 8, requesting that whatever relief be granted to the Consumers Mining Corporation be granted in the same extent to the intervener.

A hearing was held before a duly designated Examiner of the Division in Washington, D. C., on December 17, 1940.

The Examiner made and entered his Report, Proposed Findings of Fact, Conclusions of Law, and Recommendations in this matter, dated August 15, 1941, recommending that the relief prayed for by the original petitioner and by the intervener be granted in part.

An opportunity was afforded to all parties to file exceptions thereto and supporting briefs. The petitioner filed exceptions to the Proposed Findings of Fact and Conclusions of Law of the Examiner but did not file a supporting brief.

Petitioner requested that the minimum f. o. b. mine prices applicable to the coals produced at its Premier Mine be reduced from \$2.85 to \$2.40 per net ton in Size Group 3 and from \$2.50 to \$2.25 per net ton in Size Group 4. The Examiner recommended that Size Group 3 be reduced in classification from "C" to "D" with a corresponding reduction from \$2.85 to \$2.70 per net ton and that Size Group 4 be reduced in classification from "A" to "D" with a corresponding reduction from \$2.50 to \$2.30 per net ton.

Petitioner excepts to the Findings of Fact by the Examiner with respect to Size Groups 3 and 4 and to the failure to recommend that full relief be granted. No brief is filed in support of this exception and no specific error is alleged. Petitioner merely charges that the Examiner's Findings are contrary to the evidence. On the basis of that allegation, I have reexamined the record and I find that the Proposed Findings of Fact of the Examiner are not alone not contrary to the evidence but are fully sustained by substantial evidence and that the exceptions of the petitioner are not well taken and should be denied.

Upon the basis of the record, I further find that the Proposed Findings of Fact and Conclusions of Law and Recommendations of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

*It is therefore ordered*, That the exceptions of Consumers Mining Corporation to the Proposed Findings of the Examiner be and the same are hereby denied.

*It is further ordered*, That the Proposed Findings of Fact, and Proposed Conclusions of Law of the Examiner be and they are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

*It is further ordered*, That § 328.21 (*Alphabetical list of code members*), § 328.22 (*General prices for low volatile coals*), and § 328.23 (*Special prices for low volatile coals—(a) Railway fuel—(1) For on-line railways, all uses*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be, and the same hereby are amended as follows:

§ 328.21 *Alphabetical list of code members*—§ 328.22 *General prices for low volatile coals*. The price classifications now effective for the Premier Mine (Mine Index No. 377) of Consumers Mining Corporation, in District 8, Low Volatile, is modified by reducing Size Group 3 from "C" to "D" with a minimum price of \$2.70 per net ton, and by reducing Size Group 4 from "A" to "D" with a minimum price of \$2.30 per net ton f. o. b. the mine, for shipment to Market Areas 1 to 50, inclusive, 52 to 78, inclusive, 100 to 118, inclusive, 120 to 137, inclusive, 139 to 143, inclusive, 145 to 148, inclusive, 150 to 157, inclusive, and 200 to 254, inclusive.

§ 328.23 *Special prices for low volatile coals—(a) Railway fuel—(1) For on-line railways, all uses*. The effective minimum prices for the coals of said Premier Mine and for the No. 2 Mine

(Mine Index No. 391) of Raven Red Ash Coal Company, in District 8, Low Volatile, is modified as follows: A minimum price of \$1.90 per ton f. o. b. the mines shall apply on screenings larger than  $1\frac{1}{4}'' \times 0$  but not exceeding  $2\frac{1}{2}'' \times 0$ , for sale on-line to the Norfolk and Western Railway for use as railway fuel.

Dated: October 16, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7853; Filed, October 17, 1941;  
12:50 p. m.]

[Docket No. A-920]

PART 335—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 15

ORDER CORRECTING TYPOGRAPHICAL ERROR IN ORDER ENTERED ON AUGUST 25, 1941, IN THE MATTER OF THE PETITION OF THE BIG FOUR COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 15, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1301 IN DISTRICT NO. 15 FOR RAIL SHIPMENT

The Order Granting Temporary Relief and Conditionally Providing for Final Relief entered in the above-entitled matter on August 25, 1941, 6 F.R. 4663, contains the following typographical error:

In "Supplement R" annexed to and made a part thereof, the Big 4 Mine (Mine Index No. 1301) of the Big Four Coal Co. (Dock Smith) is included in Production Group No. 10 in District No. 15 whereas, in fact, this mine is located in Production Group No. 7 in District No. 15;

*Now, therefore, it is ordered*, That the Order of August 25, 1941, in the above-entitled matter, Granting Temporary Relief and Conditionally Providing For Final Relief, be, and it hereby is, corrected by the substitution of the figure "7" for the figure "10" in the column headed "Production Group No." in "Supplement R", § 335.5 (*Alphabetical list of code members*), of that Order.

In all other respects the aforesaid Order shall remain in full force and effect.

Dated: October 17, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7882; Filed, October 20, 1941;  
10:19 a. m.]

TITLE 31—MONEY AND FINANCE:  
TREASURY

CHAPTER IV—SECRET SERVICE

PART 403—AUTHORIZATION OF BANKS WHICH ARE MEMBERS OF THE FEDERAL RESERVE SYSTEM TO DELIVER TO THE TREASURY DEPARTMENT COUNTERFEIT OBLIGATIONS AND OTHER SECURITIES AND COINS OF THE UNITED STATES OR OF ANY FOREIGN GOVERNMENT

§ 403.1 *Authority*. This authorization is made under authority of section 172 of the Criminal Code, 35 Stat. 1121,

as amended by section 4 of the Act of January 27, 1938, 52 Stat. 7 (U.S.C., title 18, sec. 286) and under all other authority vested in the Secretary of the Treasury.\*

\* §§ 403.1 to 403.3, inclusive, issued under the authority contained in sec. 172, 35 Stat. 1121, sec. 4, 52 Stat. 7; 18 U.S.C. 286.

§ 403.2 *Delivery of counterfeit obligations and other securities and coins authorized*. Authority is hereby given to all banks which are members of the Federal Reserve System to take possession of and deliver to the Treasury Department through the Secret Service Division all counterfeit obligations and other securities and coins of the United States or of any foreign government, within the meaning of the sections cited above, which shall be presented at their places of business.\*

§ 403.3 *Modification or revocation*. This authorization may be modified or revoked at any time.\*

[SEAL]

HERBERT E. GASTON,  
Acting Secretary of the Treasury.

OCTOBER 17, 1941.

[F. R. Doc. 41-7857; Filed, October 17, 1941;  
3:41 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE  
SYSTEM

[Amendment No. 111]

AN AMENDMENT TO PROVIDE FOR THE USE  
OF FORM 42A

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, Section XVII, by striking out the present subparagraphs b and c of Paragraph 322<sup>1</sup> and substituting therefor the following:

b. Any person other than the registrant who has cause to claim that the registrant should be deferred may obtain Claim for Deferred Classification by Others Than Registrants (Form 42) from the local board, make out the claim, and file it directly with the local board. In appropriate cases Affidavit to Support Claim for Occupational Deferment (Form 42A) should be prepared, in accordance with the instructions printed on that form, and filed with the local board. Such claims should be filed within the time allowed for the registrant to return his Questionnaire. (See Par. 320.)

c. Any person so claiming that the registrant should be deferred shall be entitled to present evidence in support of his claim. Such evidence should be included in or attached to Form 42, or Form 42A, and may include any documents, affidavits, or depositions supporting the claim. The affidavits or deposi-

\* 5 F.R. 3929.

tions shall be as concise and brief as possible.

LEWIS B. HERSHEY,  
Director.

OCTOBER 15, 1941.

[F. R. Doc. 41-7855; Filed, October 17, 1941;  
2:50 p. m.]

## CHAPTER VIII—EXPORT CONTROL SUBCHAPTER C—ECONOMIC DEFENSE BOARD

[Administrative Order No. 2]

### CONTROLLING CERTAIN EXPORTS

Except as presently authorized by general or unlimited license, and notwithstanding the prior issuance of an individual license or licenses, none of the following articles or materials shall be exported hereafter, unless and until an affidavit shall have been filed by the exporter with the Economic Defense Board, setting forth the specific uses to which the articles or materials are to be put, and showing past shipments by the exporter of such articles or materials since January 1, 1937 (such affidavit to be accompanied by a verified copy of the order for such articles or materials for which exportation is sought); and unless and until the Executive Director of the Economic Defense Board shall have found that a denial of the proposed exportation would work an unusual hardship. Such finding shall be evidenced by a notation to that effect upon the license itself, or by written authorization addressed either to the applicant or licensee, as the case may be, or to the appropriate Collector of Customs or Postmaster:

Aconite leaves and roots  
Aircraft pilot trainers  
Atropine  
Belladonna  
Digitalis seeds  
Industrial diamonds  
Iron ore  
Mercury  
Mica  
Neats foot oil  
Radium  
Uranium, other than salts and compounds

October 18th, 1941.

MILO PERKINS,  
Executive Director.

[F. R. Doc. 41-7870; Filed, October 18, 1941;  
11:46 a. m.]

## CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

### SUBCHAPTER B—PRIORITIES DIVISION

#### PART 958—REPAIRS, MAINTENANCE, AND SUPPLIES

#### Preference Rating Order P-22 Amended

Section 958.1 *Preference rating order P-22*<sup>1</sup> is hereby amended to read as follows:

§ 958.1 *Preference rating order P-22.*  
For the purpose of facilitating the acquisi-

tion of Material for the maintenance and repair of the property and equipment of producers as hereinafter defined, and the continued operation of the property and equipment of such producers, a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth. Such terms shall control until such time as the Office of Production Management certifies specific quantities of such Material to which the preference rating herein assigned may be applied, or until the Office of Production Management may specifically limit production by any type of producer or withdraw any type of Material from use by such producer, or until the Office of Production Management may issue an order specifically relating to the maintenance, repair and operation of the property and equipment of any type of producer.

(a) *Statement of policy.* It is the purpose of this Order to effectuate the policy of the Supply Priorities and Allocations Board in maintaining governmental, charitable and industrial property located in the United States, its territories and possessions, upon an adequate operating basis, without expansion or improvement of facilities except where duly authorized or approved. The terms and conditions of this Order are to be interpreted in conformity with this expressed policy.

(b) *Definitions.* (1) "Producer" means:

- (i) Any governmental unit;
- (ii) Any individual, partnership, association, corporation, or other form of enterprise engaged in one or more of the following activities or acting in one or more of the following capacities to the extent that it is so engaged or so acts:

(a) Manufacturing, processing, or fabricating;

(b) Warehousing—maintaining warehouses for storage or distribution of any Material;

(c) Wholesaling—acting as a distributor of products sold to manufacturers, wholesalers, retailers, or other persons not consumers;

(d) Charitable institutions—any charitable or eleemosynary institution which is recognized as such for purposes of the Internal Revenue Laws of the United States;

(e) Carriers—urban, suburban and interurban common or contract carriers of passengers or freight by electric railway, electric coach, motor truck, or bus, including terminals of any of the foregoing; railroads, including terminals; shipping—commercial carriers of freight and passengers by ocean, lake, river, or canal, including terminals;

(f) Educational institutions (including vocational training);

(g) Printers and publishers;

(h) Radio—commercial broadcasting and communication;

(i) Telephone and telegraph communication, including wire services;

(j) Hospitals, clinics and sanatoriums;

(k) Petroleum—discovery, development and depletion of petroleum pools.

(2) "Material" means any commodity, equipment, accessories, parts, assemblies or products of any kind.

(3) Subject to sub-paragraph (6), "Maintenance" means the up-keep of a Producer's property and equipment in sound working condition.

(4) Subject to sub-paragraph (6), "Repair" means the restoration of a Producer's property and equipment to a sound working condition when such property or equipment has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar causes.

(5) Subject to sub-paragraph (6), "Operating Supplies" means any Material which is essential to the operation of the Producer's business and which is consumed in the course of such business, including without limitation, fuel, lubricants, catalysts, and small perishable tools, *Provided:* It shall not include any Material which is physically incorporated, in whole or in part, into any product of the Producer, or into any Material which the Producer distributes to or stores, transports or services for another person.

(6) The terms "Maintenance," "Repair," and "Operating Supplies," do not include Material:

(i) For the improvement of a Producer's property or equipment through the replacement of Material in the existing installation with Material of a better kind, quality or design;

(ii) For additions to, or expansion of, such property or equipment;

(iii) Which is of a type not heretofore carried on the Producer's books under "Maintenance," "Repairs," "Operating Supplies" or the equivalent.

(7) "Supplier" means any person with whom a purchase order or contract has been placed by a Producer or another Supplier for Material:

(i) Required by the Producer as operating Supplies or for the Maintenance or Repair of his property or equipment, or

(ii) To be physically incorporated in other Material so required by the Producer.

(c) *Assignment of preference rating.* Subject to the terms of this Order Preference Rating A-10 is hereby assigned:

(1) To deliveries, to a Producer, of Material required by him as Operating Supplies or for the Maintenance or Repair of his property or equipment;

(2) To deliveries, to any Supplier, of Material.

(i) Required by a Producer as Operating Supplies or for the Maintenance or Repair of his property or equipment, or

(ii) To be physically incorporated in other Material so required by a Producer.

(d) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

## (1) A Producer;

(2) Any Supplier provided deliveries to a Producer or another Supplier are to be made by him, which are of the kind specified in paragraph (c) and have been rated pursuant to this Order.

(e) *Application of preference rating.*

(1) A Producer or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material manually signed by a responsible official duly designated for such purpose by such Producer or Supplier:

Material for Maintenance, Repair, or Operating Supplies—Rating A-10 under Preference Rating Order P-22, as amended, with the terms of which I am familiar.

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required for the purposes stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) The Producer or Supplier placing any such rated purchase order or contract and the Supplier selling the Material covered thereby must each retain endorsed copies of such purchase orders or contracts, segregated from all other purchase orders or contracts, for a period of two years from the dates thereof for inspection by authorized representatives of the Office of Production Management.

(f) *Restrictions on application of rating.* The preference rating hereby assigned shall not be applied:

(1) Unless the Material to be delivered cannot be secured when required without such rating;

(2) By a Producer, to obtain deliveries greater in quantity, or on dates earlier, than required for the Operation, Maintenance or Repair of such Producer's property or equipment;

(3) By a Supplier, to obtain Material for a delivery by him which has not been rated pursuant to this Order;

(4) By any Producer or Supplier to obtain scarce Material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by simplification of design.

(g) *Restrictions on deliveries, withdrawals and inventory.*

(1) Except as provided in paragraph (g) (5), no Producer shall, during any Calendar Quarterly Period, accept deliveries (whether or not rated pursuant to this Order) of any items of Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed 25% of the aggregate dollar volume of the withdrawals of items of Material of the same class as carried on the Producer's books from stores or inventory during the calendar year 1940.

(2) Except as provided in paragraph (g) (5), no Producer shall, at any time,

accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair until the Producer's inventory and stores of items of Material of the same class, as carried on the Producer's books, have been reduced to a practical working minimum. Such practical minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class, as carried on the Producer's books, in inventory and stores on December 31, 1940, or, at the Producer's option, at the close of the Producer's fiscal year ending during the calendar year 1940.

(3) Except as provided in paragraph (g) (5), no Producer shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class, as carried on the Producer's books, during the corresponding quarter of 1940, or, at the Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class as carried on the Producer's books during the calendar year 1940.

(4) Notwithstanding the provisions contained in paragraph (g) (1), (2), and (3), a Producer may, upon application to and with the approval of the Director of Priorities, in any Calendar Quarter increase the aggregate dollar volume of deliveries accepted of Material for use for Maintenance and Repair or as Operating Supplies, withdrawals of Material for such use, or inventory of Material for such use over the aggregate dollar volume of deliveries, withdrawals or inventory of Material for such uses during the last preceding corresponding Calendar Quarter proportionately to the increase of the volume of goods or services produced or rendered by him in such quarters.

(5) Restrictions contained in paragraphs (g) (1), (2), and (3) shall not apply to any Producer during any Calendar Quarterly Period in which the total volume of his purchases or withdrawals of Material for Maintenance, Repairs, and Operating Supplies does not exceed \$2,500.

(h) *Audits and reports.* (1) Each Producer or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Office of Production Management.

(2) Each such Producer or Supplier shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the

proper forms are prescribed by the Office of Production Management.

(i) *Utilities and mines excepted.* This Order is not applicable to any Utility defined as a Producer in § 978.1 *Preference rating order No. P-46*, nor to any Mine as defined in § 982.1 *Preference rating order No. P-56*. The Director of Priorities may from time to time specifically except further classes of Producers from this Order by specific direction.

(j) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order or wilfully falsifies any records which he is required to keep by this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be forbidden to further apply said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(k) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to any Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, but no applications of this rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by said revocation or expiration.

(l) *Effective date.* This Order shall take effect immediately, and unless sooner revoked shall expire on the 1st day of April, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 16th day of October, 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-7853; Filed, October 18, 1941; 9:24 a. m.]

## PART 984—LEAD

*Supplementary Order No. M-38-a*

§ 984.2 *Supplementary order M-38-a.* (a) The Director of Priorities hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (*General Preference Order M-38*) for the month of November, 1941, shall be 15% of the lead



produced by such refiner during said month.

(b) This Order shall take effect on the 1st day of November, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, as amended Sept. 2, 1941, 6 F.R. 4865, E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 18th day of October 1941.

DONALD M. NELSON,  
Director of Priorities.

[F. R. Doc. 41-7902; Filed, October 20, 1941;  
11:49 a. m.]

## CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

### PART 1303—ZINC

#### PRICE SCHEDULE NO. 3—ZINC SCRAP MATERIALS AND SECONDARY SLAB ZINC

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

The supply of both primary and secondary zinc is insufficient to satisfy the total defense and essential civilian demands. An increase in the price of primary slab zinc has been made in order to maintain and expand supply. It is necessary to revise the prices of zinc scrap materials and secondary slab zinc in order to maintain their proper relationship to the prices of primary slab zinc. After investigation and consideration it has been determined that the maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§§ 1303.1 to 1303.12, inclusive, are hereby renumbered and amended to read as follows:

§ 1303.1 *Maximum prices for zinc scrap materials.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer zinc scrap materials, and no person shall buy, offer to buy, or accept delivery of zinc scrap materials, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.9.\*

\*§§ 1303.1 to 1303.10, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1303.2 *Maximum prices for secondary slab zinc.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer secondary slab zinc, and no person shall buy, offer to buy, or accept delivery of secondary slab zinc, at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1303.10.\*

§ 1303.3 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B of this Schedule may be charged, demanded, paid or offered.\*

§ 1303.4 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of zinc scrap materials, whether or not commingled with any foreign materials, or of secondary slab zinc, or in connection with a purchase, sale, delivery, or transfer of any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.\*

§ 1303.5 *Records and reports.* Every person making purchases or sales of zinc scrap materials or secondary slab zinc after October 17, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) Each purchase or sale of zinc scrap materials, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity, in pounds or tons, of each grade purchased or sold, and whether the quantity so sold or purchased was shipped, delivered, carried away, or received in a single shipment or shipments, as defined in Appendix A hereof, or otherwise;

(b) Each purchase or sale of secondary slab zinc, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity, in pounds or tons, of each grade purchased or sold, and whether the quantity so sold or purchased was shipped, delivered, carried away, or received, in carload or less than carload lots; and

(c) The amount in pounds or tons of zinc scrap materials and, separately, the amount in pounds or tons of secondary slab zinc (1) on hand, and (2) on order, as of the close of each month.\*

§ 1303.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons

who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of zinc scrap materials and secondary slab zinc, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.\*

§ 1303.7 *Modification of the price schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.\*

§ 1303.8 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Zinc scrap materials" means the kinds and grades of zinc scrap materials set forth in Appendix A of this Schedule; and

(c) "Secondary slab zinc" means the kinds and grades of secondary slab zinc set forth in Appendix B of this Schedule.\*

§ 1303.9 *Appendix A, maximum prices for zinc scrap materials—(a) Maximum prices.*

#### Grade of Zinc Scrap Material

	Maximum Price (Per pound, f. o. b. point of shipment)
New Zinc Clippings and Trimmings	7.25 cents
Engravers' and Lithographers' Plates	7.25 "
Old Zinc Scrap	5.75 "
Unswaged Zinc Dross	5.80 "
Die Cast Slab	5.80 "
New Die Cast Scrap	4.95 "
Radiator Grilles, old and new	4.95 "
Old Die Cast Scrap	4.50 "

The maximum prices established herein are the maximum prices to be paid for the zinc scrap materials enumerated above after the free iron and other foreign materials are removed.

(b) *Quantity premiums.* To the maximum prices set forth above, a premium of one-half (½¢) cent per pound may be added:

(1) On single shipments of 10,000 pounds or more of any one of the following grades, or of combinations thereof:

New Zinc Clippings and Trimmings  
Engravers' and Lithographers' Plates  
Old Zinc Scrap; and

(2) On single shipments of 20,000 pounds or more of any one of the following grades, or of combinations thereof:

New Die Cast Scrap  
Radiator Grilles, old and new  
Old Die Cast Scrap

For the purposes of this Schedule the term "single shipment" means all deliveries made to a buyer within a period of 48 consecutive hours, excluding Sundays and Legal Holidays.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Zinc scrap may, however, be sold, offered for sale, delivered or transferred at a price delivered buyer's cus-

tomary receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b.

point of shipment price set forth in this Schedule, and (3) when delivery is made in the seller's conveyance, the transportation charge shall not exceed the lowest available commercial transportation rate for effecting the delivery.\*

§ 1303.10 Appendix B, maximum prices for secondary slab zinc—(a) Sold, or shipped, delivered, or carried away, in carload lots.

Grade	Maximum price (per pound, delivered buyer's customary rail receiving point)
Prime Western and poorer grades	8.25 cents plus carload freight from E. St. Louis to buyer's customary rail receiving point.
Brass Special	8.35 cents plus carload freight from E. St. Louis to buyer's customary rail receiving point.
Intermediate and higher grades	8.50 cents plus carload freight from E. St. Louis to buyer's customary rail receiving point.

(b) Sold and shipped, delivered, or carried away, in less than carload lots.

Grade	Maximum price (per pound, f. o. b. seller's plant or warehouse)
Prime Western and poorer grades	9.00 cents plus carload freight from E. St. Louis to seller's plant or warehouse.
Brass Special	9.10 cents plus carload freight from E. St. Louis to seller's plant or warehouse.
Intermediate and higher grades	9.25 cents plus carload freight from E. St. Louis to seller's plant or warehouse.

The above grades of secondary slab zinc are to be determined in accordance with the specifications of the American Society for Testing Materials.

The minimum quantity making up a carload lot for the purposes of this Schedule will be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.\*

These amendments shall become effective October 17, 1941.

Issued this 17th day of October 1941.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 41-7856; Filed, October 17, 1941;  
3:14 p. m.]

#### PART 1316—COTTON TEXTILES

##### PRICE SCHEDULE NO. 11—COTTON GREY GOODS<sup>1</sup>

The title of Price Schedule No. 11—Cotton Grey Goods and §§ 1316.1 and 1316.7 are hereby amended to read as follows:

Price Schedule No. 11—Combed Cotton Grey Goods.

§ 1316.1 Definitions. (a) The term "Cotton Grey Goods," as used herein, means combed cotton grey goods, in their unchanged mill state, of the types listed in § 1316.7 hereof; it does not include any cotton grey goods which, in the performance of a recognized commercial service, have been either (1) further processed or (2) cut and repackaged.

(b) The term "person" includes an individual, corporation, association, partnership, or other business entity. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.)

\* 6 F.R. 3180, 3595, 3988, 4323, 5093.

§ 1316.7 Schedule of maximum prices<sup>2</sup>—(a) Maximum prices for combed cotton grey goods.

Type of cloth	Price per yard, f. o. b. seller's point of shipment (cents)
Combed broadcloths made of single-ply yarn:	
37"—136 x 60	147 <sup>3</sup> / <sub>4</sub>
37"—128 x 68	147 <sup>3</sup> / <sub>4</sub>
37"—144 x 76	157 <sup>3</sup> / <sub>4</sub>
37"—152 x 80	17
36"—76 x 72	9 <sup>3</sup> / <sub>4</sub>
36"—88 x 80	10 <sup>3</sup> / <sub>4</sub>
40"—68 x 56	9
40"—72 x 68	10
40"—76 x 72	10 <sup>1</sup> / <sub>2</sub>
40"—88 x 80	11 <sup>1</sup> / <sub>2</sub>
40"—96 x 92	12 <sup>3</sup> / <sub>4</sub>
40"—96 x 100	13 <sup>3</sup> / <sub>4</sub>
40"—108 x 112	16 <sup>3</sup> / <sub>4</sub>
45"—76 x 72	11 <sup>3</sup> / <sub>4</sub>
45"—88 x 80	12 <sup>3</sup> / <sub>4</sub>
Dimities:	
36"—88 x 68	10 <sup>3</sup> / <sub>4</sub>
36 <sup>1</sup> / <sub>2</sub> "—114 x 64	11 <sup>3</sup> / <sub>4</sub>
36 <sup>1</sup> / <sub>2</sub> "—116 x 76	12 <sup>3</sup> / <sub>4</sub>
Voile:	
39"—60 x 52, slack	9

<sup>1</sup> Contracts made between June 30 and August 22, 1941, both inclusive, for the sale of 37" 136 x 60 or 37" 128 x 63 combed broadcloth at prices not exceeding the previously established maximum price of 61 cents per pound may be carried out at contract prices.

<sup>2</sup> For combed lawns of the construction 40" 96 x 100 which meet United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938, corrected to December 30, 1940), a premium of  $\frac{3}{4}$ ¢ per yard may be charged.

(b) Seconds and shorts. The price for seconds and shorts of all Cotton

<sup>3</sup> The maximum prices listed in this section, except as provided in footnote 1 of this schedule, are effective on and after August 23, 1941. With respect to the fabrics to which these prices apply, § 1316.2 should be read with the following substitutions:

In place of "June 30, 1941," read "August 23, 1941."

In place of "September 2, 1941," read "October 25, 1941."

In place of "Form No. 111:1," read "Form No. 111:4."

Grey Goods shall not exceed 95 percent of the prices herein established for such goods. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Effective October 21, 1941.

Issued this 20th day of October, 1941.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 41-7894; Filed, October 20, 1941;  
10:57 a. m.]

#### PART 1316—COTTON TEXTILES

##### PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

In June 1941, the Office of Price Administration, as a first step toward stabilizing prices for the major types of cotton textiles, issued Price Schedule No. 11, establishing maximum prices for six leading kinds of cotton grey goods. In August that Schedule was supplemented by maximum prices for other classes of grey goods. Now maximum prices are extended to further important types of grey goods, and to the principal types of cotton colored-yarn goods. For convenience, the carded-yarn fabrics already under maximum prices have been withdrawn from Price Schedule No. 11 and are included, along with numerous other textiles made of carded yarn, in this Schedule; grey goods made of combed yarns will continue to be covered by Price Schedule No. 11.

§ 1316.51 Maximum prices for cotton goods. On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1316.61), regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer cotton goods, and no person shall buy, offer to buy, or accept delivery of cotton goods, at prices higher than the maximum prices set forth in Appendix A, except that:

(a) The maximum prices established herein are not applicable to sales or deliveries of cotton goods to any person or persons outside the United States, its territories and possessions;

(b) The maximum prices established herein are not applicable to sales or deliveries of cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided*, That sales and deliveries of cotton goods (1) to a converter or finisher, or (2) by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices.\*

\* § 1316.51 to § 1316.61, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8375, 6 F.R. 1917, 4483.

§ 1316.52 Less than maximum prices. Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.\*

§ 1316.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.\*

§ 1316.54 *Records and reports.* Every person making purchases or sales of cotton goods after October 20, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in yards of each construction purchased or sold; (b) the quantity in yards of cotton goods (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or pounds of each construction of cotton goods manufactured during each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.\*

§ 1316.55 *Details required in contract of sale and invoice.* (a) Every seller of cotton goods shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of each construction of cotton goods sold, including (i) the off-loom width; (ii) the off-loom cloth count; (iii) the number of yards per pound; (iv) where necessary to determine the applicable maximum price, the yarn numbers used in the warp and filling, or the average yarn numbers, as the case may be; and (v) where, in conformity with the Schedule, a premium is charged or deduction made, the feature of the goods or of their manufacture for which such premium is allowed or deduction required; and (3) the discount, if any, allowed for prompt payment.

(b) With each delivery of cotton goods the seller shall transmit to the purchaser an invoice or similar document which shall either contain the information required by paragraph (a) above or make reference to the document in which such information is set forth.\*

§ 1316.56 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has purchased or sold cotton goods, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 135:1, containing a sworn statement that dur-

ing such month all such purchases or sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 135:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.\*

§ 1316.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of cotton goods or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.\*

§ 1316.58 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.\*

§ 1316.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Cotton goods" means cotton grey goods and cotton colored-yarn goods of the types and specifications for which maximum prices are established in Appendix A;

(c) "Ceiling date" means the date, as specified in Appendix A, on which this Schedule becomes effective with respect to any given fabric.\*

§ 1316.60 *Effective date of the schedule.* This Schedule shall become effective October 21, 1941.\*

1316.61 *Appendix A, maximum prices for cotton goods.*

#### Arrangement of Appendix

Paragraph (a) contains, in summary form, the maximum prices, as established prior to October 21, 1941, for the types of cotton goods theretofore subject to Price Schedule No. 11, but on and after that date subject to this Schedule. The maximum prices set forth in paragraph (a) are applicable to such types of goods only when they are delivered pursuant to a sale or contract of sale entered into prior to the above-mentioned date; otherwise such goods are subject to the prices appearing in paragraph (b).

Paragraph (b) contains maximum prices for all cotton goods subject to this Schedule. As qualified by paragraph (c), these maximum prices are applicable to all transactions except those subject to paragraph (a).

Paragraph (c) sets forth the conditions under which, in addition to the otherwise applicable maximum prices as found in paragraph (b), premiums may be paid for (1) cotton goods made to special physical requirements established by the buyer, (2) cotton goods of demonstrably superior quality, and (3) window-shade cloth.

(a) Cotton goods of the following specifications which, prior to October 21, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below. The maximum prices appearing herein are prices f. o. b. the seller's point of shipment; they are gross prices before discounts of any nature are deducted and include all commissions.

The maximum prices set forth herein become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics subject thereto.

Type and construction of cloth	Maximum prices for deliveries pursuant to contracts entered into prior to August 23, 1941	Maximum prices for deliveries pursuant to contracts entered into between August 23 and October 20, 1941, inclusive
Standard print cloth, 40" and narrower.....	\$0.43 per lb. <sup>1 2</sup>	\$0.43 per lb. <sup>1 2 3</sup>
Carded broadcloth, 40" and narrower, 100 sly and below.....	\$0.43 per lb. <sup>1</sup>	\$0.43 per lb. <sup>1 2</sup>
Sheetings, 40" and narrower:		
A. Yarn numbers up to 15s, inclusive.....	\$0.355 per lb. <sup>1</sup>	\$0.355 per lb. <sup>1 2</sup>
B. Yarn numbers 16s to 21s, inclusive.....	\$0.365 per lb. <sup>1</sup>	\$0.365 per lb. <sup>1 2</sup>
C. Yarn numbers above 21s.....	\$0.38 per lb. <sup>1</sup>	\$0.38 per lb. <sup>1 2</sup>
Part waste osenaburgs, 40" and narrower:		
Yarn numbers up to 9s, inclusive.....	\$0.29 per lb. <sup>1</sup>	\$0.29 per lb. <sup>1 2</sup>
Yarn numbers above 9s.....	\$0.32 per lb. <sup>1</sup>	\$0.32 per lb. <sup>1 2</sup>
Tobacco cloth, 40" and narrower.....	\$0.46 per lb.	\$0.46 per lb. <sup>2</sup>

<sup>1</sup> Subject to premium of one cent per pound for feeler motion.

<sup>2</sup> Subject to premium of one cent per pound for fabrics of shade cloth quality.

<sup>3</sup> For seconds and shorts, five percent less than the above figures constitutes the maximum price.



(b) (1) *Determination of maximum price.* Except as provided in paragraph (a) above, and subject to the qualifications contained in paragraph (c), below, the maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of cotton goods shall be determined in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price<sup>1</sup> of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of the Schedule:

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made:

(iii) *Delivery or transfer.*<sup>2</sup> By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.<sup>3</sup>

(2) *Terms of sale.* The maximum prices set forth in paragraph (b) are prices f. o. b. the seller's point of shipment. The prices are gross prices before discounts of any nature are deducted and include all commissions; for certain types of goods, however, mandatory discounts are specified below.

(3) *Ceiling date.* The maximum prices set forth below in Tables I to V, inclusive, and the qualifications thereto of paragraph (c), become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics covered by said tables and by said qualifications thereto.

<sup>1</sup> The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

<sup>2</sup> Except as provided in Paragraph (a), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

<sup>3</sup> Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder, provided that the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of Paragraph (b), as the day on which the sale or contract of sale is made.

#### (4) Maximum price tables.

TABLE I

In addition to the maximum prices set forth in the following tables, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to osnaburgs or to print cloths of Class B or C; to any fabric excepted below; or to any fabric which, in its standard construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process	Premium	Premium not applicable to—
Feeler motion.....	1¢ per lb.....	Cloths other than sheetings and Class A print cloths.
Weaves requiring five or more cams: Weaves which, including selvage, require 5 cams.....	1/2¢ per yd.....	
Weaves which, including selvage, require 6 or more cams.....	1/2¢ per yd.....	Twill and drills of the types and classes listed in Table III-A.
Dobby looms: Weaves requiring 16 harnesses or less.....	1 1/2¢ per yd.....	
Weaves requiring more than 16 harnesses.....	1 1/2¢ per yd.....	
Fancy draw: For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above.	1/2¢ per yd.....	
Each extra beam.....	1/2¢ per yd.....	
Hard twist: Warp yarn: where turns per inch equal 2 1/4 or more times the square root of yarn size.	1/2¢ per yd.....	
Filling yarn: where turns per inch equal 4 1/4 or more times the square root of yarn size.	1/2¢ per yd.....	
Clipping.....	1¢ per yd.....	
Slubs: Cloths with over 32 picks per inch.....	2¢ per lb.....	
Cloths with 32 picks per inch and under.....	2¢ per lb.....	

TABLE II—Print cloth yarn group

(Specifications for the types and classes of cloth listed herein are set forth in Table II-A)

Type and Class of Cloth	Spot cotton price—Cents per pound											
	14.21 to 14.67 incl.	14.68 to 15.11 incl.	15.12 to 15.54 incl.	15.55 to 15.97 incl.	15.98 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.74 incl.	17.75 to 18.18 incl.	18.19 to 18.61 incl.	18.62 to 19.05 incl.	19.06 to 19.49 incl.
Cents per pound *												
Print Cloth: <sup>1</sup>												
Class A.....	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50
Class B.....	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00
Class C.....	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
Carded Broadcloth:												
Class A.....	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50
Class B.....	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
Class C.....	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50
Class D.....	53.00	53.50	54.00	54.50	55.00	55.50	56.00	56.50	57.00	57.50	58.00	58.50
Pejama Checks:												
Class A.....	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
Class B.....	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00
Carded Poplins:												
Class A:												
1.....	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50
2.....	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50
3.....	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50
Class B:												
1.....	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
2.....	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
3.....	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50
Class C:												
1.....	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
2.....	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
3.....	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
Carded Piques:												
Class A.....	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
Class B.....	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50
Class C.....	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50	55.00	55.50	56.00	56.50
Three-Leaf Twills:												
Class A.....	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50
Class B.....	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50
Class C.....	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50
Class D.....	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50
Class E.....	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50

<sup>1</sup> In addition to the above maximum prices for print cloth, the following premiums may be charged for narrow widths: 23 1/4" to 23 3/4", incl., 3 cents; 23 3/4" to 24", incl., 4 cents; 23 3/4" to 24", incl., 5 cents.

<sup>2</sup> For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by five per cent.

TABLE III—Sheeting yarn group—Continued

Type and class of cloth	Spot cotton price—Cents per pound											
	14.24	14.68	15.12	15.56	16.00	16.44	16.88	17.32	17.76	18.20	18.64	19.08
Drills:	14.24	14.68	15.12	15.56	16.00	16.44	16.88	17.32	17.76	18.20	18.64	19.08
Class A	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class B	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class C	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class D	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class E	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Three-leaf jeans:	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class A	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class B	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class C	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class D	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class E	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Four-leaf twills:	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class A	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class B	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class C	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class D	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class E	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Osnaburgs:	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class A	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51
Class B	14.67	15.11	15.55	15.99	16.43	16.87	17.31	17.75	18.19	18.63	19.07	19.51

1 For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by 5 percent.

2 The maximum prices set forth above for Class O sheetings, drills, three-leaf jeans, and four-leaf twills shall be adjusted in accordance with the differentials appearing below. No more than one thread-count differential and one herringbone-weave differential may be added to the maximum price for any given fabric.

3 The maximum prices set forth herein for four-leaf twills must be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

CLASS C SHEETINGS		THREE-LEAF JEANS	
(Total thread-count per sq. in.)		(Herringbone weaves)	
130 to 139, inclusive	add 1¢	Reverse twist	add 1½¢
140 to 159, inclusive	add 2½¢	Plain	add ¾¢
160 and over, inclusive	add 4¢	FOUR-LEAF TWILLS (ALL CLASSES)	
DRILLS (ALL CLASSES)		(Total thread-count per sq. in.)	
94 and under	deduct ¾¢	114 and under	deduct ¾¢
116 to 124, inclusive	add 1½¢	136 and over	add ¾¢
125 and over	add 1¢	Reverse twist	add 1½¢
Reverse twist	add 1½¢	Plain	add ¾¢
(Herringbone weaves)			

TABLE II-A—Key to types and classes of cloth in Table II

Type and class of cloth	Yarn numbers (all numbers inclusive)			Thread count (all numbers inclusive)		Weight
	Warp	Filling	Average	Total threads per sq. inch	Warp ends	
Print Cloth (under 42" in width):	28s to 32s	36s to 48s	Not less than 33s	100 to 100		Yards per lb. (all numbers inclusive)
Class A	28s to 32s	36s to 48s	Not less than 33s	99 to 72		
Class B	28s to 32s	36s to 48s	Not less than 33s	71 and under		
Class C	28s to 32s	36s to 48s	Not less than 33s			
Carded Broadcloth (under 42" in width):	Not less than 28s			160 and under		
Class A	Not less than 28s			167 to 174		
Class B	Not less than 28s			175 to 189		
Class C	Not less than 28s			190 to 200		
Class D	Not less than 28s			160 and over		
Pajama Checks (under 42" in width):	28s to 31½s			160 and under		
Class A	28s to 31½s					
Class B	28s to 31½s					
Class C	28s to 31½s					
Class D	28s to 31½s					
Class E	28s to 31½s					
Carded Poplins (under 42" in width):	28s to 31½s			3700 to 4000		3.50 and over.
Class A	28s to 31½s			3700 to 4000		3.49 to 3.01.
Class B	28s to 31½s			3700 to 4000		3.00 and under.
Class C	28s to 31½s			4001 to 4300		3.50 and over.
Class D	28s to 31½s			4001 to 4300		3.49 to 3.01.
Class E	28s to 31½s			4001 to 4300		3.00 and under.
Class F	28s to 31½s			4300 and over		3.50 and over.
Class G	28s to 31½s			4300 and over		3.40 to 3.01.
Class H	28s to 31½s			4300 and over		3.00 and under.
Class I	28s to 31½s					
Class J	28s to 31½s					
Class K	28s to 31½s					
Class L	28s to 31½s					
Class M	28s to 31½s					
Class N	28s to 31½s					
Class O	28s to 31½s					
Class P	28s to 31½s					
Class Q	28s to 31½s					
Class R	28s to 31½s					
Class S	28s to 31½s					
Class T	28s to 31½s					
Class U	28s to 31½s					
Class V	28s to 31½s					
Class W	28s to 31½s					
Class X	28s to 31½s					
Class Y	28s to 31½s					
Class Z	28s to 31½s					
Class AA	28s to 31½s					
Class AB	28s to 31½s					
Class AC	28s to 31½s					
Class AD	28s to 31½s					
Class AE	28s to 31½s					
Class AF	28s to 31½s					
Class AG	28s to 31½s					
Class AH	28s to 31½s					
Class AI	28s to 31½s					
Class AJ	28s to 31½s					
Class AK	28s to 31½s					
Class AL	28s to 31½s					
Class AM	28s to 31½s					
Class AN	28s to 31½s					
Class AO	28s to 31½s					
Class AP	28s to 31½s					
Class AQ	28s to 31½s					
Class AR	28s to 31½s					
Class AS	28s to 31½s					
Class AT	28s to 31½s					
Class AU	28s to 31½s					
Class AV	28s to 31½s					
Class AW	28s to 31½s					
Class AX	28s to 31½s					
Class AY	28s to 31½s					
Class AZ	28s to 31½s					
Class BA	28s to 31½s					
Class BB	28s to 31½s					
Class BC	28s to 31½s					
Class BD	28s to 31½s					
Class BE	28s to 31½s					
Class BF	28s to 31½s					
Class BG	28s to 31½s					
Class BH	28s to 31½s					
Class BI	28s to 31½s					
Class BJ	28s to 31½s					
Class BK	28s to 31½s					
Class BL	28s to 31½s					
Class BM	28s to 31½s					
Class BN	28s to 31½s					
Class BO	28s to 31½s					
Class BP	28s to 31½s					
Class BQ	28s to 31½s					
Class BR	28s to 31½s					
Class BS	28s to 31½s					
Class BT	28s to 31½s					
Class BU	28s to 31½s					
Class BV	28s to 31½s					
Class BW	28s to 31½s					
Class BX	28s to 31½s					
Class BY	28s to 31½s					
Class BZ	28s to 31½s					
Class CA	28s to 31½s					
Class CB	28s to 31½s					
Class CC	28s to 31½s					
Class CD	28s to 31½s					
Class CE	28s to 31½s					
Class CF	28s to 31½s					
Class CG	28s to 31½s					
Class CH	28s to 31½s					
Class CI	28s to 31½s					
Class CJ	28s to 31½s					
Class CK	28s to 31½s					
Class CL	28s to 31½s					
Class CM	28s to 31½s					
Class CN	28s to 31½s					
Class CO	28s to 31½s					
Class CP	28s to 31½s					
Class CQ	28s to 31½s					
Class CR	28s to 31½s					
Class CS	28s to 31½s					
Class CT	28s to 31½s					
Class CU	28s to 31½s					
Class CV	28s to 31½s					
Class CW	28s to 31½s					
Class CX	28s to 31½s					
Class CY	28s to 31½s					
Class CZ	28s to 31½s					
Class DA	28s to 31½s					
Class DB	28s to 31½s					
Class DC	28s to 31½s					
Class DD	28s to 31½s					
Class DE	28s to 31½s					
Class DF	28s to 31½s					
Class DG	28s to 31½s					
Class DH	28s to 31½s					
Class DI	28s to 31½s					
Class DJ	28s to 31½s					
Class DK	28s to 31½s					
Class DL	28s to 31½s					
Class DM	28s to 31½s					
Class DN	28s to 31½s					
Class DO	28s to 31½s					
Class DP	28s to 31½s					
Class DQ	28s to 31½s					
Class DR	28s to 31½s					
Class DS	28s to 31½s					
Class DT	28s to 31½s					
Class DU	28s to 31½s					
Class DV	28s to 31½s					
Class DW	28s to 31½s					
Class DX	28s to 31½s					
Class DY	28s to 31½s					
Class DZ	28s to 31½s					
Class EA	28s to 31½s					
Class EB	28s to 31½s					
Class EC	28s to 31½s					
Class ED	28s to 31½s					
Class EE	28s to 31½s					
Class EF	28s to 31½s					
Class EG	28s to 31½s					
Class EH	28s to 31½s					
Class EI	28s to 31½s					
Class EJ	28s to 31½s					
Class EK	28s to 31½s					
Class EL	28s to 31½s					
Class EM	28s to 31½s					
Class EN	28s to 31½s					
Class EO	28s to 31½s					
Class EP	28s to 31½s					
Class EQ	28s to 31½s					
Class ER	28s to 31½s					
Class ES	28s to 31½s					
Class ET	28s to 31½s					

TABLE V—Colored yarn group, exclusive of denims (prices are for all shades and colors)

Class of cloth and weight in yards per pound <sup>1</sup>	Cotton spot price—Cents per pound (all numbers inclusive)									
	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Carded Fine Yarn Shirting										
Chambray, 1 <sup>1</sup> / <sub>2</sub> to 2 <sup>1</sup> / <sub>2</sub> yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Mill Finish:										
3.00 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
3.20 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Sanitized:										
3.00 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
3.20 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Carded Coarse Yarn Shirting										
Chambray, 1 <sup>1</sup> / <sub>2</sub> to 2 <sup>1</sup> / <sub>2</sub> yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Mill Finish:										
3.00 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
3.20 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Sanitized:										
3.00 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
3.20 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Carded Coarse Yarn Shirting										
Chambray, 1 <sup>1</sup> / <sub>2</sub> to 2 <sup>1</sup> / <sub>2</sub> yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Mill Finish:										
3.00 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
3.20 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
Sanitized:										
3.00 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09
3.20 yds.	14.31	14.73	15.15	15.57	15.99	16.41	16.83	17.25	17.67	18.09

<sup>1</sup> The maximum price set forth herein is for fabrics 36 or more inches in width. The maximum price for a fabric of any lesser width shall be the price which stands in the same relation to the applicable price set forth herein (i. e., for the same width) as does its width to 36 inches.

<sup>2</sup> The maximum price set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 per cent; and (2) where payment is made within the next 30 days, by 2 per cent and by interest at 6 per cent per annum for each portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

<sup>3</sup> Maximum prices for seconds and short lengths of cherting chambrays and cherting covers shall be the above prices, discounted as follows:

Seconds:	.....	2 1/2 per yard
Short Lengths:	.....	3 1/2 per yard
36 to 40 yards, inclusive:	.....	1 1/2 per yard
10 to 36 yards, inclusive:	.....	1 1/2 per yard
1 to 10 yards, inclusive:	.....	1 1/2 per yard
Maximum prices for seconds and short lengths of pants covers shall be the above prices, discounted as follows:	.....	1 1/2 per yard
Seconds:	.....	1 1/2 per yard
Short Lengths:	.....	1 1/2 per yard
36 to 40 yards, inclusive:	.....	1 1/2 per yard
10 to 36 yards, inclusive:	.....	1 1/2 per yard
1 to 10 yards, inclusive:	.....	1 1/2 per yard

(c) (1) In addition to the maximum prices set forth in paragraph (b) a premium may be demanded, charged, paid, or accepted for cotton goods (other than window-shade cloth) made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the same goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.61 (c) (3):

(1) The premium shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June, 1941, or, if no such goods have been sold by the seller during that period, 5 per cent of the otherwise applicable maximum price;

(2) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

(2) Every seller making a sale, contract of sale, or delivery of cotton goods at a price including all or part of any

TABLE III—A—Key to types and classes of cloth listed in Table III

Type and class of cloth	Yarn numbers (all numbers inclusive)	Thread count (total threads per square inch—all numbers inclusive)	Weights (yards per pound for all widths—pro-rated to 36"—all numbers inclusive)
Shootings (under 42" in width):	Up to 16s.	95 to 115.	2.00 and under.
Class A.....	16s. to 21s.	95 to 115.	2.01 to 2.50.
Class B.....	Above 21s.	95 to 115.	2.51 to 3.00.
Drills (under 42" in width):	.....	.....	.....
Class A.....	.....	.....	.....
Class B.....	.....	.....	.....
Class C.....	.....	.....	.....
Class D.....	.....	.....	.....
Class E.....	.....	.....	.....
Class F.....	.....	.....	.....
Three-leaf Twills (under 42" in width):	.....	.....	.....
Class A.....	.....	.....	.....
Class B.....	.....	.....	.....
Class C.....	.....	.....	.....
Class D.....	.....	.....	.....
Class E.....	.....	.....	.....
Class F.....	.....	.....	.....
Four-leaf Twills (under 42" in width):	.....	.....	.....
Class A.....	.....	.....	.....
Class B.....	.....	.....	.....
Class C.....	.....	.....	.....
Class D.....	.....	.....	.....
Class E.....	.....	.....	.....
Class F.....	.....	.....	.....
Oanburgs (under 42" in width):	.....	.....	.....
Class A.....	.....	.....	.....
Class B.....	.....	.....	.....

TABLE IV—Denims<sup>1</sup> (prices are for all shades and colors)

Type of cloth and yards per pound or ounces per yard	Spot cotton price—Cents per pound									
	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
Denims:										
Mill finish:										
3.00 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
3.20 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
2.40 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
2.60 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
2.80 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
3.00 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
3.20 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
Sanitized:										
3.00 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
3.20 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
2.40 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
2.60 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
2.80 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
3.00 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29
3.20 yards:	14.15	14.61	15.07	15.53	15.99	16.45	16.91	17.37	17.83	18.29

<sup>1</sup> The maximum price set forth herein is for denims 36 or more inches in width. The maximum price for a denim of any lesser width shall be the price which stands in the same relation to the applicable price set forth herein (i. e., for the same width) as does its width to 36 inches.

Maximum prices for denims of widths intermediate between those listed herein shall be determined by interpolation, according to weight, between the maximum prices set forth herein; maximum prices for denims of weights greater or less than any listed herein shall be determined, in proportion to weight, from the maximum price for, respectively, the heaviest or lightest denim listed in this table.

The maximum prices in this table are for denims of the following styles: White back (in all weaves except herringbone), excess stripes, hickory stripes, and all other stripes made with white filling yarns.

In addition to the maximum prices appearing herein, a premium of 1/4 cent per yard may be charged for solid color denims; for striped denims made with 100-percent-colored filling yarns; and for denims of herringbone weave.

For seconds and short lengths of denim, the maximum prices listed in this table must be discounted as follows: Seconds, 1/2 cent; short lengths, 25 to 40 yards, inclusive, 31 cent; 10 to 24 yards, 1 cent; 3 to 9 yards, 16 percent. The maximum price set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 30 days, by 2 percent and by interest at 6 percent per annum for each portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

premium permissible under § 1316.61 (c) (1) shall, on or before the 10th day of the succeeding month, file with the Office of Price Administration a sworn statement on Form 135:2 stating, with respect to each sale, contract of sale, or delivery made during the preceding calendar month, the date of the sale or contract of sale; the quantity of goods covered thereby; the date or dates when delivery is to be or has been made; the name of the manufacturer of the goods and of the buyer; the price agreed upon, charged, or paid; the buyer's specifications, in accordance with which the goods are made; the date of issuance thereof by the buyer; the use to which the goods are to be put; and the special physical requirements which are relied upon for the premium charged: *Provided*, That if a report, as required hereunder, is duly made of a sale, or contract of sale, or any delivery pursuant thereto, no report need be made of any subsequent delivery of the same kind of goods pursuant to such sale or contract of sale.

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraph (b), a premium for (i) cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by a seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade; or (iv) window-shade cloth. Such application shall state in detail (i) the specifications, if any, to which the goods are made; (ii) the use to which the goods are to be put; (iii) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (iv) the person or persons, if any, from whom the goods were purchased and the premiums, if any, paid (in cents over the prevailing market prices of the same goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted, and if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of na-

tional defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.\*

Issued this 18th day of October 1941.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 41-7895; Filed, October 20, 1941;  
10:58 a. m.]

#### PART 1335—CHEMICALS

##### PRICE SCHEDULE NO. 36—ACETONE

The demand for acetone has increased sharply in recent months as a direct result of the National Defense Program. Acetone is not only essential in the manufacture of high explosives required by the armed forces but is also essential in the preparation of cellulose acetate rayon and many other products important for civilian use. The Office of Price Administration has ascertained that the tank-car price of acetone has increased from 6¢ at the beginning of this year to 7¢ per pound in the third quarter. Prices in excess of 7¢ per pound have been announced by certain large producers for the fourth quarter of 1941. The average price of acetone during 1940 was approximately 4½¢ per pound. After consultation with representatives of the industry, the Office of Price Administration has determined that there are no justifiable reasons for prices of acetone in excess of 7¢ per pound in tank-car quantities. Further increase in prices would, therefore, be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.301 *Maximum prices for acetone.* On and after October 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer acetone in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept deliveries of acetone in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A incorporated herein as § 1335.310.\*

\* §§ 1335.301 to 1335.310, inclusive, issued pursuant to authority contained in Executive Order 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.302 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.\*

§ 1335.303 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of acetone, alone or in conjunction with any other material or by way of any commission,

service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of acetone, or otherwise.\*

§ 1335.304 *Records and reports.* (a) Every person making purchases or sales of acetone in containers of 50 gallons or more on or after October 27, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale showing the date thereof, and the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of the acetone purchased and sold.

(b) On or before November 10, 1941, and on or before the 10th day of each month thereafter, every producer of acetone, other than those engaged in the production of acetone synthetically, shall submit to the Office of Price Administration a report on Form 136:1 in the detail required by such Form showing the total production of acetone by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may from time to time require.\*

§ 1335.305 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold acetone in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 136:2, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 136:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.\*

§ 1335.306 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule, and (c) that the procurement services of the Govern-

ment are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of acetone, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.\*

§ 1335.307 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.\*

§ 1335.308 *Definitions.* When used in this Schedule the term—

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetone" means chemically pure acetone.\*

§ 1335.309 *Effective date of the schedule.* This Schedule shall become effective October 27, 1941.\*

§ 1335.310 *Appendix A, maximum prices for acetone.* The following maximum prices are established for acetone:

(a) *Eastern Territory*<sup>1</sup>

Tank cars.....	7¢ per pound delivered.
Drums, car-load lots....	8½¢ per pound delivered, containers included.
Drums, less than car-load lots.	9¢ per pound delivered, containers included.

(b) *Western Territory*\*<sup>1</sup> The maximum prices established for acetone in Western Territory are the maximum prices established in Paragraph (a) for acetone in Eastern Territory plus ½¢ per pound.\*

LEON HENDERSON,  
Administrator.

Issued this 20th day of October 1941.

[F. R. Doc. 41-7903; Filed, October 20, 1941; 11:51 a. m.]

## PART 1335—CHEMICALS

### PRICE SCHEDULE NO. 37—NORMAL BUTYL ALCOHOL

As a result of conditions engendered by the National Defense Program, the demand for normal butyl alcohol has increased sharply in recent months. Normal butyl alcohol is an important chemical which is used in the manufacture of butyl acetate, lacquers, plasticizers and many other products. The price of normal butyl alcohol in tank-car quantities has increased from 8¢ per pound at the end of 1940 to 10¢ per pound in the

third quarter of 1941. Certain producers have announced an additional increase to 11¢ per pound for the fourth quarter of 1941, and some sales have occurred at even higher prices. Further price advances are threatened.

After investigation and conferences with representatives of the butyl alcohol industry, the Office of Price Administration has found that there is no justifiable reason for a price of normal butyl alcohol in excess of 10½¢ per pound. Further increases would therefore be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.351 *Maximum prices for normal butyl alcohol.* On and after October 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer normal butyl alcohol in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept delivery of normal butyl alcohol in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.360.\*

\* §§ 1335.351 to 1335.360 inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8876, 6 F.R. 4483.

§ 1335.352 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.\*

§ 1335.353 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of normal butyl alcohol, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formulae or grades of normal butyl alcohol, or otherwise.\*

§ 1335.354 *Records and reports.* (a) Every person making purchases or sales of normal butyl alcohol in containers of 50 gallons or more on or after October 27, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of the normal butyl alcohol purchased and sold.

(b) On or before November 10, 1941, and on or before the 10th day of each month thereafter, every producer of normal butyl alcohol, other than those engaged in the production of normal butyl alcohol synthetically, shall submit to the Office of Price Administration a report on Form 137:1 in the detail required by such Form, showing the total production of normal butyl alcohol by such producer during the previous calendar month, the respective percentages of such total pro-

duced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.\*

§ 1335.355 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold normal butyl alcohol in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 137:2, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 137:2 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.\*

§ 1335.356 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of normal butyl alcohol, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.\*

§ 1335.357 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.\*

§ 1335.358 *Definitions.* When used in this Schedule, the term—

(a) "Person" means an individual partnership, association, or other business entity.

§ 1335.359 *Effective date of the schedule.* This Schedule shall become effective October 27, 1941.\*

§ 1335.360 *Appendix A, maximum prices for normal butyl alcohol.* The

<sup>1</sup> When used in this Schedule, the term "Eastern" territory shall mean the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western" territory shall mean all other states of the United States.



following maximum prices are established for normal butyl alcohol:

(a) *Eastern Territory*<sup>1</sup>

Tank cars-----10¼¢ per lb. delivered.  
Drums, car-load lots-11¼¢ per lb. delivered,  
containers included.  
Drums, less than car- 12¼¢ per lb. delivered,  
load lots, containers included.

(b) *Western Territory*<sup>1</sup> The maximum prices established for normal butyl alcohol in Western Territory are the maximum prices established in paragraph (a) for normal butyl alcohol in Eastern Territory plus ½¢ per pound.\*

Issued this 20th day of October 1941.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 41-7904; Filed, October 20, 1941;  
11:51 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

PRICE SCHEDULE NO. 30 AMENDED—WASTE  
PAPER SOLD EAST OF ROCKY MOUNTAINS

§ 1347.10 *Appendix A, maximum prices for waste paper*, of Price Schedule No. 30<sup>2</sup> is hereby amended by striking out footnote 1 thereof and inserting in its stead the following:

<sup>1</sup> All prices established by this Schedule shall be for Waste Paper loaded on trucks at the point of shipment. The point of shipment is the seller's door from which the Waste Paper is to be shipped to the consumer. If the Waste Paper is loaded on freight cars for shipment to the consumer, an amount not in excess of \$1.00 per ton for hauling and loading may be added to the maximum prices established by this Schedule, which additional amount, if any, must be listed as a separate item on the invoice.

(E.O. 8734, 8875; 6 F.R. 1917, 4483)

Issued this 18th day of October 1941.

LEON HENDERSON,  
*Administrator.*

[F. R. Doc. 41-7871; Filed, October 18, 1941;  
12:04 p. m.]

TITLE 33—NAVIGATION AND  
NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DE-  
PARTMENT OF THE TREASURY

PART 9—GENERAL LICENSES FOR MOVE-  
MENTS OF VESSELS WITHIN, OR DE-  
PARTURE FROM, TERRITORIAL WATERS

Whereas by § 6.6 (d), part 6, title 33—Anchorage Regulations—Regulations for the control of vessels in the territorial waters of the United States (6 F.R. 5222), it is provided that the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury, may issue a general license for any class or classes

of vessels for which a departure or movement license is required by said section if he finds that the granting of such a general license would not be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters; and

Whereas I find that the granting of a general license for the class of vessels and under the conditions hereinafter specified would not be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters;

Now, therefore, by virtue of the authority vested in me by the regulations above cited:

§ 9.1 *General license No. 1.* A general license is hereby granted to all vessels, exclusive of those covered by § 6.7 of this chapter which are now in, or which may hereafter enter, territorial waters of the United States, its territories and possessions, to move within, or to depart from, the territorial waters of the United States, its territories or possessions, except the following:

(a) All vessels under 100 feet in overall length (other than barges, scows, rafts and similar craft having no means of self-propulsion) when operating within 100 feet of any Navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or Navy arsenal or depot, warehouse, or freight pier, within the limits of the harbors of:

Portland, Maine.  
Portsmouth, New Hampshire.  
Boston, Massachusetts.  
Providence, Rhode Island.  
New London, Connecticut.  
New York, New York.  
Philadelphia, Pennsylvania.  
Baltimore, Maryland.  
Norfolk, Virginia.  
Newport News, Virginia.  
Wilmington, North Carolina.  
Charleston, South Carolina.  
Savannah, Georgia.  
San Diego, California.  
San Pedro, California.  
Long Beach, California.  
San Francisco, California.  
Oakland, California.  
Alameda, California.  
Portland, Oregon.  
Astoria, Oregon.  
Jacksonville, Florida.  
Tampa, Florida.  
Mobile, Alabama.  
Pascagoula, Mississippi.  
New Orleans, Louisiana.  
Port Arthur, Texas.  
Beaumont, Texas.  
Galveston, Texas.  
Texas City, Texas.  
Houston, Texas.  
Corpus Christi, Texas.  
San Juan, Puerto Rico.  
Charlotte Amalie, Virgin Islands.  
Seattle, Washington.  
Tacoma, Washington.  
Ketchikan, Alaska.  
Honolulu, Territory of Hawaii.  
Hilo, Territory of Hawaii.

(b) All vessels departing from territorial waters of the United States, its territories or possessions, of which the masters, operators, or other persons in charge are not citizens of the United

States, or of which the personnel complements of such vessels are more than 50 per centum aliens:

*Provided*, That the vessels referred to in paragraphs (a) and (b) hereof are included in the general license hereby granted until such reasonable time as applications for individual licenses may be made and captains of the port concerned may issue such licenses under the provisions of § 6.6 (a), (b) and (c) of this chapter.

(c) This general license is granted subject to the following terms and conditions:

(1) That it may be revoked by the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury, whenever he finds its continuance in force would be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters.

(2) That the Commandant of the Coast Guard may, in his discretion, exclude individual vessels from this general license upon notification to the owners, agents, masters or operators thereof, but any vessel so excluded may be granted an individual license under the provisions of § 6.6 (a), (b) and (c) of this chapter.

(3) That the issuance of this general license does not in any manner relieve any vessel covered thereby, or its owner, master or operator, from compliance with the provisions of any other applicable laws and regulations. (33 CFR 6.6 (d).)

[SEAL]

R. R. WAESCHE,  
*Commandant.*

Approved: October 16, 1941.

HERBERT E. GASTON,  
*Acting Secretary of the Treasury.*

[F. R. Doc. 41-7874; Filed, October 20, 1941;  
10:05 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC  
CONTRACTS

PART 202—MINIMUM WAGE DETERMINA-  
TIONS

IN THE MATTER OF THE EXTENSION OF THE  
DETERMINATION OF THE PREVAILING MINI-  
MUM WAGES IN THE MANUFACTURE OF  
AIRPLANES, AIRCRAFT ENGINES, AND PRO-  
PELLERS TO INCLUDE CERTAIN AIRCRAFT  
PARTS AND ACCESSORIES AS DEFINED

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," (hereinafter called the Act).

On December 14, 1938 by decision in the matter of the determination of the prevailing minimum wages in the manu-

<sup>1</sup> When used in this Schedule, the term "Eastern" territory shall mean the States of New Mexico, Colorado, Wyoming, Montana, and all states east thereof, and the term "Western" territory shall mean all other States of the United States.

<sup>2</sup> 6 F.R. 4822.

facture of airplanes, aircraft engines, and propellers (3 F.R. 3044) the prevailing minimum wage for that industry was found to be 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Thereafter, the Department received evidence showing that certain parts and accessories for military or large transport airplanes and engines or propellers therefor of the type indicated in the attached list of Class I Aircraft Parts, which parts are usually procured as spares on contracts for complete airplane engines or propellers, were manufactured by manufacturing processes and at wages similar to or identical with those prevailing in the production of completed airplane engines or propellers.

Interested parties were given until November 13, 1940 to show cause (5 F.R. 4377) why the decision for airplanes, aircraft engines, and propellers should not be extended to include the manufacture and finishing or supply of the parts and articles of the type named in the attached list of Class I Aircraft Parts. The time for filing such protests having expired and there having been no protests filed in response to the notice, and in the light of the information in the possession of the Department, as referred to above, I hereby extend the minimum wage determination of December 14, 1938 to include such parts and articles.

On May 1, 1941 notice issued (6 F.R. 2293) advising all interested parties that hearing would be held on May 8, 1941 to give them opportunity to show cause why the Secretary of Labor should not determine the prevailing minimum wage for the manufacture of Class II Aircraft Parts and Accessories of the types named in the attached list of Class II Aircraft Parts and Accessories, to be 50 cents an hour regardless of where manufactured, and why the Secretary of Labor should not determine the minimum wage for the manufacture of airplane ignition equipment to be 45 cents an hour regardless of where manufactured.

On May 8, 1941 a hearing was held in Room 3229, Department of Labor Building, Washington, D. C. Appearances were made and testimony was given at the hearing by the Aeronautical Chamber of Commerce, the Machinery Institute, individual members of the industry, and labor was represented by the International Association of Machinists, the United Auto Workers, the International Brotherhood of Electrical Workers, and the United Electrical and Radio Workers.

The evidence presented at the hearing shows that the bulk of Class II Aircraft Parts and Accessories is being made by the manufacturers of airplanes, aircraft engines, and propellers. The wage tabulations submitted at the hearing covered 30 plants employing 13,241 workers. Such fluctuation in plant minima as existed was within limited localities rather than in broad geographic regions. There was a spread in minima between

competing plants in the same city. The evidence presented at the hearing showed that only 10 percent of the employees engaged in the manufacture of Class II Aircraft Parts and Accessories received less than 50 cents an hour, the determined prevailing minimum wage for the manufacture of airplanes, aircraft engines and propellers. Under these circumstances, and particularly because of the close affiliation between the manufacturing of airplanes, aircraft engines, and propellers and Class II Aircraft Parts and Accessories, the inclusion of the latter within the scope of my determination for the former seems justified and I hereby extend the determination of December 14, 1938 to include Class II Aircraft Parts and Accessories of the type named in the attached list.

I feel further that the evidence at the hearing and the briefs submitted subsequent thereto have indicated that there is no reason for the pronouncement of a separate minimum for the manufacture of ignition equipment. The evidence shows that the wage structures in the manufacture of ignition equipment and the manufacture of Class II Aircraft Parts and Accessories are essentially similar. As a matter of fact, all known manufacturers of ignition equipment, except one, either paid at the time of the hearing 50 cents an hour or more as a minimum wage or have indicated that they have no objection to the inclusion of ignition equipment with Class II Aircraft Parts and Accessories. The Aeronautical Chamber of Commerce in its brief filed in this matter stated that "none of the manufacturers of ignition equipment covered by this determination has either requested, suggested, or desired a separate wage determination for this type of product [ignition equipment]." The Aeronautical Chamber of Commerce is shown to represent all known manufacturers of ignition equipment with the exception of two. One of the two pays a minimum in excess of 50 cents an hour. The other has filed a brief in opposition to the proposed determination of a 45 cent minimum for ignition equipment on the ground that the minimum as proposed in the notice is altogether out of line with its wage practices. Its protest against the 45 cent rate proposed in the notice runs with greater force of course against the determination of a higher rate, but in the light of the facts that I have recited and of the further fact that this company is located in the same city with another manufacturer paying higher wages I feel that there is no force in its brief.

I hereby determine:

§ 202.23 *Aeroplanes, aircraft engines, propellers, accessories, and manufacturing and finishing of parts; Class I aircraft parts; Class II aircraft parts and accessories including ignition equipment.* The minimum wage for Class I Aircraft Parts, Class II Aircraft Parts and Accessories including ignition equipment, shall be the same as that heretofore applicable to

the manufacture of airplanes, aircraft engines, and propellers; namely, 50 cents an hour or \$20.00 per week of 40 hours, arrived at either upon a time or piece rate basis, provided that apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

Nothing in this determination shall be interpreted as abrogating any obligations that may have accrued under the terms of the determination of December 14, 1938 for the manufacture of airplanes, aircraft engines, and propellers.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law or agreement, more favorable to employees than the requirements of this determination.

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936 for Class I Aircraft Parts and Class II Aircraft Parts and Accessories including ignition equipment, bids for which are solicited or negotiations otherwise commenced on and after November 18, 1941.

Dated: October 18, 1941.

[SEAL]

FRANCES PERKINS,  
Secretary.

#### CLASS I AIRCRAFT PARTS

##### AIRPLANE

Allerons	Mounts, engine
Beaching gear	Panels, wing
Controls, air	Pedals
Cowlings	Pins, fitting
Elevators	Recoil dampeners, gun
Fairings	Rudders
Fins	Seats, pilot
Fittings, structural	Spars
Flaps	Sponsons
Floats	Stabilizers
Hinges	Struts (except oleo)
Hooks, arresting	Supports
Housings	Tabs
Hulls, seaplane	Tail skids
Landing gear (except wheels, brakes, tires, skis, and oleo struts)	Tail surfaces
Lever	Tanks
	Tips, wing
	Vents
	Wings

##### ENGINE

Adapters	Housings
Arms	Impellers, super-charger
Baffles	Jets
Bushings	Manifolds, intake
Cages	Pipes
Closures	Pistons
Cams	Plates
Counterweights	Rockers
Covers, metal	Rods
Crankcases	Seats, valve
Crankshafts	Shafts
Cylinder barrels	Silencers
Cylinder heads	Spacers
Cylinders	Studs
Dowels	Sumps
Drives	Tappets
Glands	Tubes
Guides	

##### PROPELLER

Barrels	Cylinders
Blades	Domes
Brackets	Gears
Brakes	Governors
Bushings	Housings
Cams	Hubs
Collars	Pistons
Controls	Spiders
Counterweights	Spinners

## CLASS II AIRCRAFT PARTS AND ACCESSORIES

a. *Structural Parts and Accessories, e. g.*

1. *Landing gear parts: Wheels, brakes, brake controls, brake hose and hose fittings, shock struts and cords, strut parts, valves, locks, axles, tail wheel assemblies, tail wheel caster knuckles, retracting cylinders, operating cylinders, oleo packing, accumulators, hydraulic pressure regulators.*

2. *Combat equipment and related items (except instruments and pyrotechnics): Ammunition rounds counters and contractors, adapters and plungers, gun mount assemblies, bomb racks, bomb shackles, flare racks, tow target releases and drags, brackets, bomb holsts, posts.*

3. *Aircraft hardware, fittings, etc.: Reservoirs, hydraulic windshield wipers, couplings, elbows, turnbuckles, thimbles, shackles, clips, ferrules, clevises, hoisting slings, conduit and pipe tube fittings, pulleys, swivels, tie rods, cable terminals.*

4. *De-icer equipment (except rubber) for propeller, windshield, and carburetor venturi: Pump, oil supply tank, control and distributing valves.*

5. *Aircraft electrical equipment: Generators, booster coils, trigger motors, switches, solenoids.*

6. *Camera and generator mounts.*

b. *Engine Parts and Accessories, e. g.*

1. *Fuel systems and parts: Carburetors, fuel injection systems, fuel pumps, and parts.*

2. *Starting systems and parts: Priming equipment, starters, and parts.*

3. *Exhaust systems and parts: Manifolds, collector rings, and parts.*

4. *Cooling and heating systems and parts: Radiators, intercoolers, carburetor manifold jackets, heating systems, and parts.*

5. *Lubricating systems and parts: Temperature regulating equipment, oil pumps, strainers, oil coolers, oil separators, and parts.*

6. *Superchargers and parts.*

7. *Control systems and parts.*

8. *Ignition (harness and parts).*

9. *Miscellaneous pumps and valves.*

[F. R. Doc. 41-7869; Filed, October 18, 1941; 10:45 a. m.]

TITLE 43—PUBLIC LANDS:  
INTERIOR

## CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1497]

PART 258—SPECIAL LAND-USE PERMITS FOR  
PUBLIC LANDS WITHIN OR OUTSIDE OF  
GRAZING DISTRICTSSPECIAL LAND-USE PERMITS FOR ADVERTISING  
DISPLAYS ON THE PUBLIC LANDS

OCTOBER 13, 1941.

§ 258.17 *Advertising displays on public lands without permits unauthorized.* The erection or maintenance on the public lands of advertising displays, without permission, is unauthorized by law. Any person erecting or maintaining one or more advertising displays on the public lands, except under authority of a permit issued by the Commissioner of the General Land Office as hereinafter provided for, shall be deemed a trespasser.\*

\* §§ 258.17 to 258.27, inclusive, issued under the authority contained in E. S. 441, 453, 2478; 6 U. S. C. 485, 2, 1201.

§ 258.18 *Words "advertising displays" defined.* The words "advertising displays," as used in the regulations in this part shall include structures of any kind with or without lighting effects erected

or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever, including statuary, may be placed for advertising purposes, but shall not include:

(a) Official notices or advertisements posted by or under the direction of any public or court officer, in the performance of his official duties.

(b) Danger, precautionary and informative signs erected by officials of the Federal Government, or officials of the State or of any subdivision thereof, or of any non-profit organization in the State, relating to the premises, or warning of the conditions of travel on a highway, or of forest fires, or road symbols, or speed limits.

(c) Highway markers or signs relating to any city, town, village or historic place or shrine.

(d) Notice of any railroad, bridge, ferry, or other transportation or transmission company, necessary for the direction or safety of the public.

(e) Official signs, notices or symbols for the information of aviators, as to location, direction or landings, and conditions affecting safety in aviation.

(f) Signs containing sixteen square feet or less bearing an announcement of any town, village or city, or non-profit association, or chamber of commerce, advertising itself, or local industries, buildings, meetings, or attractions, but not advertising any particular individual or corporation engaged in business for a profit, providing not more than one sign bearing the same or similar announcement shall be placed on any one approach to the city or village involved.

(g) Signs erected by Red Cross authorities relating to Red Cross Emergency Stations.

(h) Signs advertising bona fide agricultural county district or state fairs.\*

§ 258.19 *Permittees.* Permits will be issued only to the owners, operators, or proprietors of business establishments or their agents advertising their own business and products sold on the premises, situated not more than 30 miles, measured by highway travel, from the advertising displays.\*

§ 258.20 *Applications for permits.* Applications for permits must be executed in duplicate on Form 4-972b, a copy of which is attached hereto and made a part hereof.<sup>1</sup> Each application must contain a sufficient recital of the facts relative to the advertising display, including its size, and lighting effect, if any, to enable its substantial production from the description. A sketch or photograph showing the display, and a photograph showing the location on which it is to be placed, should be furnished. The application should identify the highway, or other medium of travel along which it is proposed to erect the display and should give the distance and direction of

<sup>1</sup> Filed as part of the original document.

the site, measured by highway travel, to the nearest cities or towns. If the land on which it is desired to place the display has been surveyed, its description should be given in terms of the public land surveys. The application must be filed in the proper district land office, or, if there is no such office in the State, it must be filed in the General Land Office. The original application must be sworn to before the Register of a district land office, or before a notary public or other officer having a seal and authority to administer oaths.

Where public lands in more than one land district are involved, a separate application covering the lands in each district must be filed.\*

§ 258.21 *Fees and charges.* A fee of \$5 must accompany each application for a permit to erect one or more advertising displays. The fee will be returned, if the application is rejected.

The initial and annual charges for advertising displays shall be as follows: Not less than 20 cents per annum for each square foot of sign surface, not less than \$1 per annum for each display and not less than \$5 per annum for one or more displays authorized by the same permit. The amount of the charge, subject to such minima, will be fixed by the Commissioner of the General Land Office. Due consideration will be given in fixing the amounts to all pertinent facts and circumstances, including the charges made for corresponding privileges on privately-owned lands similarly situated.

When conflicting applications are filed, due consideration will be given to the showing of each applicant and such action will be taken as is deemed to be warranted by the facts and circumstances.

The annual charges must be paid each year in advance to the Register of the land office for the district in which the lands involved are situated. If there is no district land office in the State, the payment must be made to the Commissioner of the General Land Office.

Where charges are paid in advance and a permit is canceled before the expiration of the period for which it was issued, a proportionate refund of the charges will be made.\*

§ 258.22 *Permits.* Special-use permits to erect and maintain advertising displays on the public lands may be issued, by or under authority of the Commissioner of the General Land Office, and in his discretion, on Form 4-972c, for periods of not exceeding five years, in accordance with the regulations in this part. The permits will be revocable in the discretion of the Commissioner, at any time.\*

§ 258.23 *Renewal of permit.* A permit issued in accordance with the regulations in this part may be renewed, in the discretion of the Commissioner of the General Land Office, upon the filing of an application for renewal not more than six months or less than 60 days prior to its expiration.\*

§ 258.24 *Identification of authorized advertising displays.* Each advertising display erected or maintained under a permit issued pursuant to the regulations in this part, should, for convenient identification, have the serial number of such permit marked or painted thereon.\*

§ 258.25 *Unauthorized advertising displays.* Persons who heretofore have erected advertising displays on the public lands must either obtain permits to continue such displays, if authorized by the regulations in this part, or must remove the displays, as promptly as possible.

Where an unauthorized advertising display on the public lands is found, the United States will take appropriate steps to secure its removal, unless the owner obtains a permit. The owner, if known, will be given notice in writing of the requirements. Displays heretofore erected must be removed within six months from and after the date of the approval of the regulations in this part, unless application for a permit is made within that period. Displays heretofore erected, for which applications for permits are made but for which permits are refused, and unauthorized displays hereafter erected must be removed within such reasonable time as may be fixed by the Commissioner of the General Land Office. If the owner fails to remove the display within the time allowed, it may be removed by the United States and the owner will be held liable to the United States for expenses incurred in removing it. If the owner is unknown, or cannot be found, the display may be removed by the United States, without notice. A registered letter addressed to the owner at his last known place of residence, if returned unclaimed, will be considered sufficient service of notice.\*

§ 258.26 *Restrictions on advertising displays.* (a) No advertising display shall be permitted which, in the opinion of the Commissioner of the General Land Office, would mar the landscape, hide road intersections or crossings, or which, in his opinion is otherwise objectionable.

(b) No advertising display shall be affixed to, or painted on, any tree or rock, situated on the public lands, or on any other natural object on such lands.

(c) No advertising display shall be erected more than 30 miles, measured by highway travel, from the point where the service advertised is rendered, the merchandise is sold or the business advertised is located.

(d) All advertising displays shall conform to the applicable State laws and local ordinances or regulations.

(e) No advertising display shall be erected within 1,000 feet of any other such display on public or privately-owned lands, and not more than one advertising display, or sign, per mile, advertising one concern, establishment, or product, shall be permitted, in the absence of necessity, satisfactory to the Commissioner of the General Land Office.

(f) Serial signs (any series of small signs intended to be read in sequence which individually do not give the complete advertisement) are prohibited.

(g) Signs shall not be permitted within 15 miles of entrances to national parks or national monuments, measured by highway travel, unless approved by the National Park Service.\*

§ 258.27 *Special land-use permit regulations.* All the provisions of the special land-use permit regulations (43 CFR 258.1-258.16; Circ. No. 1483, approved November 19, 1940), not inconsistent with §§ 258.17 to 258.26, inclusive, are hereby extended to and made applicable to special land-use permits for advertising displays.\*

FRED W. JOHNSON,  
Commissioner.

Approved: October 13, 1941.

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 41-7873; Filed, October 20, 1941;  
10:02 a. m.]

## TITLE 45—PUBLIC WELFARE

### CHAPTER II—CIVILIAN CONSERVATION CORPS

#### PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH, AND BURIAL OF ENROLLEES<sup>1</sup>

##### § 203.3 *Eligibility for selection and reselection.*

(b) *Reselection.* (1) An honorably discharged junior is ineligible for reselection for a period of 3 months following the date of his discharge. If then otherwise qualified, he becomes eligible for reselection if his previous service subsequent to July 1, 1937, does not exceed 18 months and he will not reach the age of 24 years before the termination of his prospective enrollment: *Provided, however,* That an honorably discharged junior is eligible for reselection at any time as one of the ten enrollees exempted by law from the limitations with regard to age, marital status, and total length of service: *And provided further,* That a junior who was honorably discharged as a result of a physical disability not the result of his own misconduct, and who has since overcome such disability, is eligible for reselection at any time if his previous service does not exceed 18 months and he will not reach the age of 24 years before the termination of his prospective enrollment.

(2) An honorably discharged veteran will be ineligible for reselection for a period of 3 months following the date of his discharge. He will then become eligible for reselection regardless of his age, marital status, or the length of his former service in the Civilian Conservation Corps: *Provided, however,* that a veteran who was honorably discharged as a result of physical disability not the result

<sup>1</sup> § 203.3 (b) (1) and (2) is amended.

of his own misconduct, and who has since overcome such disability, has been physically examined by the War Department and has been certified by the War Department to the proper Regional Manager, Veterans Administration, as physically eligible for reselection, may be reselected at any time. (50 Stat. 319) [Par. 19, C.C.C. Regs.; W. D. Dec. 1, 1937, as amended by C. 84, Oct. 10, 1941]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-7863; Filed, October 18, 1941;  
9:44 a. m.]

## TITLE 47—TELECOMMUNICATION

### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

#### PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

##### CORRECTION

Attention is directed to an error in § 3.34 *Normal license period*, appearing in the Wednesday, October 15, 1941 issue of the FEDERAL REGISTER on page 5257. Paragraph (j) is corrected to read as follows:

(j) For stations operating on the frequency 1400 kilocycles, August 1, odd years.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 41-7875; Filed, October 20, 1941;  
10:16 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### CHAPTER I—INTERSTATE COMMERCE COMMISSION

[No. 10122]

#### PART 139—STANDARD TIME ZONE BOUNDARIES

##### STANDARD TIME ZONE INVESTIGATION

Order at a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 15th day of October, 1941.

*It appearing,* That by report and order dated October 24, 1918, the Commission defined the limits of the various time zones throughout the United States as created by the Act of Congress entitled "An Act to Save Daylight and to Provide Standard Time", approved March 19, 1918, which limits, as subsequently amended from time to time, were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1923;

*It further appearing,* That upon requests of the cities of Atlanta, Ga., and Knoxville, Tenn., and the Towns of Greenville and Norris, Tenn., and of many individuals and groups located in

Georgia and Tennessee for modification of the orders entered herein, the proceeding was reopened for further hearing;

And it further appearing, That such further hearing has been held and a full investigation of the matters and things involved has been made, and that the said division, on the date hereof, has made and filed the twenty-fourth supplemental report containing its findings of fact and conclusions thereon, which said twenty-fourth supplemental report is hereby referred to and made a part hereof<sup>1</sup>:

It is ordered, That the said order of October 24, 1918, as subsequently amended, with particular reference to the modifications made by order of January 11, 1927, and as restated in the said order of May 19, 1928, and corresponding sections of the Code of Federal Regulations, be, and they are hereby, amended as follows:

Section 139.3 (*Boundary line between eastern and central zones*) is amended as follows:

Paragraphs (f), (g), (h), and (i) are superseded by the following:

§ 139.3 *Boundary line between eastern and central zones.*

(f) *Georgia.* From the last-mentioned point west along said State boundary line to the west boundary of Georgia; thence southerly along said State boundary line to the southwest corner of the State.

(g) *Florida.* From the last-mentioned point southerly along the main channel of the Apalachicola River to Apalachicola Bay and the Gulf of Mexico.

(h) *Operating exceptions.*—(1) *Lines east of boundary excepted from eastern zone.* Those portions of the lines of railroad, below named, located east of the zone boundary line above described, shall for operating purposes only, be excepted from the United States standard eastern time zone and included within the United States standard central time zone, viz:

Railroad	From—	To—
Atlanta & West Point.	Georgia - Alabama State line (west of West Point, Ga.).	Western limits of Atlanta, Ga.
Baltimore & Ohio.	Ohio-Indiana State line (West of College Corner, Ohio).	Hamilton, Ohio.
Do.....	Ohio-Indiana State line (West of Columbia Park, Ohio).	Cincinnati, Ohio.
Central of Georgia.	Georgia - Tennessee State line (north of Rossville, Ga.) including branches to Fort Oglethorpe and Durham, Ga.	Griffin, Ga.
Do.....	Georgia - Alabama State line (west of Columbus, Ga.).	Atlanta, Ga. (via Newnan, Ga.).
Chesapeake & Ohio.	Ohio-Indiana State line (west of Newkirk, Ohio).	Cheviot, Ohio.

Railroad	From—	To—
Cleveland, Cincinnati, Chicago & St. Louis.	Michigan - Indiana State line (north of Granger, Ind.).	Niles, Mich.
Do.....	Ohio-Indiana State line (west of Glen Karn, Ohio).	Cold Springs, Ohio.
Do.....	Ohio-Indiana State line (west of Harrison, Ohio).	Western boundary of city of Cincinnati, Do.
Do.....	Ohio-Indiana State line (west of Elizabethtown, Ohio).	
Erie.....	Ohio-Indiana State line.	Marion, Ohio.
Grand Trunk Western.	Michigan-Indiana State line (north of Granger, Ind.).	Battle Creek, Mich.
Do.....	Michigan-Indiana State line (south of Grand Beach, Mich.).	Niles, Mich.
Do.....	Michigan-Indiana State line (south of Gallen, Mich.).	Benton Harbor, Mich.
Louisville & Nashville.	Georgia - North Carolina State line (north of Sweetgum, Ga.).	Blue Ridge, Ga.
Do.....	Georgia-Tennessee State line (north of Kyle, Ga.).	Elizabeth, Ga.
Do.....	Tennaga, Tenn.	Northern limits of Atlanta, Ga.
Do.....	River Junction, Fla.	Apalachicola River.
Michigan Central.	Michigan-Indiana State line (south of Bertrand, Mich.).	Benton Harbor, Mich.
Nashville, Chattanooga & St. Louis.	Georgia - Tennessee State line (north of Graysville, Ga.).	Northern limits of Atlanta, Ga.
Do.....	Georgia - Tennessee State line (east of Hooker, Ga.).	Georgia - Tennessee State line west of Hooker, Ga.
New York, Chicago & St. Louis.	Ohio-Indiana State line (west of Payne, Ohio).	Bellevere, Ohio.
Do.....	Ohio-Indiana State line (west of Willshire, Ohio).	Toledo, Ohio.
Do.....	Ohio-Indiana State line (west of Fort Recovery, Ohio).	Sandusky, Ohio.
Pennsylvania..	Ohio-Indiana State line (east of Union City, Ind.).	Bradford, Ohio.
Southern.....	Georgia - Tennessee State line (north of Red Clay, Ga.).	Cohutta, Ga.
Do.....	Georgia - Tennessee State line (south of Howardville, Tenn.).	Northern limits of Atlanta, Ga.
Do.....	Georgia - Tennessee State line (north of Wildwood, Ga.).	Georgia-Alabama State line (south-west of Sulphur Springs, Ga.).
Do.....	Rome, Ga.	Georgia-Alabama State line (west of Early, Ga.).
Do.....	Rome, Ga.	Georgia-Alabama State line (west of Etna, Ga.).
Do.....	Georgia-Alabama State line (west of Hooper, Ga.).	Western limits of Atlanta, Ga.
Tennessee, Alabama & Georgia.	Georgia-Tennessee State line (north of Woodburn, Ga.).	Georgia-Alabama State line (south-west of Menlo, Ga.).
Wabash.....	Ohio-Indiana State line (west of Edon, Ohio).	Toledo, Ohio.
Do.....	Ohio-Indiana State line (west of Blakesley, Ohio).	Detroit, Mich.
Do.....	Ohio-Indiana State line (west of Antwerp, Ohio).	Toledo, Ohio.

(2) *Lines west of boundary included in eastern zone.* Those portions of the lines of railroad, below named, located west of the zone boundary line above described, shall, for operating purposes

only, be included within the United States standard eastern time zone, viz.:

Railroad	From—	To—
Atlanta, Birmingham & Coast.	Georgia-Alabama State line (near Evansville, Ga.).	Birmingham, Ala.
Atlantic Coast Line.	Georgia-Alabama State line (west of Saffold, Ga.).	Abbeville, Elba, Luverne, and Montgomery, Ala.
Baltimore & Ohio.	Ohio - Indiana State line (west of Hicksville, Ohio).	Garrett, Ind.
Do.....	Ohio - Indiana State line.	Union City, Ind.
Big Sandy & Kentucky River.	Line of Johnson County, Ky.	Fredville, Ky.
Carolina, Clinchfield & Ohio.	Dungannon, Va.	Johnson City, Tenn.
Central of Georgia.	Georgia-Alabama State line (west of Hilton, Ga.).	Lockhart, Ala.
Chesapeake & Ohio.	Line of Pike County, Ky.	Dunham, Ky.
Cleveland, Cincinnati, Chicago & St. Louis.	Ohio - Indiana State line (east of Union City, Ind.).	Indianapolis, Ind.
New York Central.	Michigan-Indiana State line (north of Vista, Ind.).	Elkhart, Ind.
Do.....	Michigan-Indiana State line (south of Sturgis, Mich.).	Goshen, Ind.
Do.....	Michigan-Indiana State line (south of Montgomery, Mich.).	Fort Wayne, Ind.
Do.....	Ohio-Indiana State line (west of Edgerton, Ohio).	Elkhart, Ind.
Pennsylvania..	Michigan-Indiana State line (south of Sturgis, Mich.).	Fort Wayne, Ind.
Do.....	Ohio-Indiana State line (at Dixon, Ohio).	Do.
Do.....	Ohio-Indiana State line (west of New Paris, Ohio).	Richmond, Ind.
Do.....	Ohio-Indiana State line (west of Campbelltown, Ohio).	Do.
Do.....	Richmond, Ind.	Adams, Ind.
Pere Marquette..	Michigan - Indiana State line (south of New Buffalo, Mich.).	Porter, Ind.
Do.....	do.	
Seaboard Air Line.	Georgia-Alabama State line (west of Esom, Ga.).	La Crosse, Ind.
Do.....	Georgia-Alabama State line (west of Omaha, Ga.).	Jacksonville, Fla.
		Pell City, and Bessemer, Ala.
		Montgomery, Ala.

(i) *Points on boundary line.* The following-named municipalities located upon the above-described zone boundary line shall be considered as within the United States standard eastern time zone: Williamson, W. Va., Dungannon, Va., Bristol, Va.-Tenn., Asheville and Franklin, N. C., and Apalachicola, Fla. All other municipalities located upon the above-described zone boundary line, not specifically named, shall be considered as within the United States standard central time zone. (Secs. 1, 2, 4, 40 Stat. 450, 451, sec. 1, 41 Stat. 1446, sec. 3, 42 Stat. 1434; 15 U.S.C. 261-265)

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock ante meridian November 23, 1941.

<sup>1</sup> Filed as part of the original document.



And it is further ordered, That the petitions of the City of Knoxville and Towns of Greenville and Norris and of others seeking the modification of the boundary line in Tennessee and Kentucky be, and they are hereby, denied.

By the Commission, division 2.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 41-7905; Filed, October 20, 1941;  
11:54 a. m.]

## Notices

### WAR DEPARTMENT.

[Contract No. W 359 eng 3684]

#### SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: R. W. BRIGGS & CO. AND HILL & COMBS, SAN ANTONIO, TEXAS

Contract<sup>1</sup> for construction of Advanced Single-Engine School.

Amount: \$4,090,617.60 (approximate).

Place: Mission, Texas.

This contract, entered into this 14th day of July 1941.

**Statement of work.** The contractor shall furnish the materials, and perform the work for construction of Advanced Single-Engine School, Mission, Texas, for the consideration in the approximate total amount of \$4,090,617.60 in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

**Changes.** The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

**Delays—Damages.** If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

**Payments to contractors.** Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each cal-

endar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the act of Fifth Supplemental National Defense Appropriation Act, 1941, Approved April 5, 1941.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7859; Filed, October 18, 1941;  
9:41 a. m.]

[Contract No. W 199 qm-20907]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CRAWFORD AUSTIN MANUFACTURING COMPANY, WACO, TEXAS

Contract<sup>1</sup> for Cots, Folding, Canvas.

Amount: \$1,028,800.00.

Place: Chicago Quartermaster Depot.

This contract, entered into this 6th day of August 1941.

**Scope of this contract.** The contractor shall furnish and deliver for the consideration stated \$1,028,800.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings, or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will

be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 325 P 11-30 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under provisions of section 1 (a) of the Act of July 2, 1940 (Public No. 703—76th Congress), as continued in effect by section 9 of Public No. 139—77th Congress.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7859; Filed, October 18, 1941;  
9:41 a. m.]

[Contract No. W 535 ac-20232]

#### SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: BOEING AIRCRAFT COMPANY

Contract<sup>1</sup> for: \* \* \* Airplanes, Spare Parts and Data.

Estimated cost: \$115,973,038.00.

Fixed fee: \$6,958,385.23.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same: AC 32 P 12-30 AO705-2 AC 13 P 82-30 AO705-2

This supplemental contract to Contract No. W 535 ac-16<sup>2</sup> entered into this 29th day of August 1941.

Under date of June 2, 1941 the parties hereto entered into a contract, Contract No. W 535 ac-16, by the terms of which the Contractor agreed to manufacture, furnish and deliver to the Government \* \* \* airplanes, spare parts and data.

The Government desires to secure and the Contractor by this Supplemental Contract agrees to manufacture, furnish and deliver additional airplanes as hereinafter set out:

In consideration of the premises the parties hereto agree that Contract No. W 535 ac-16 be, and the same is hereby, amended and supplemented as follows:

**First:** Article 1—Statement of work, of said contract is amended and supplemented as follows:

By adding to Article 1 the following:

Item (3) \* \* \* Airplanes and data.

Item (4) \* \* \* Spare Parts.

<sup>1</sup> Approved by the Under Secretary of War Sept. 6, 1941.  
<sup>2</sup> 6 F.R. 3521.

<sup>1</sup> Approved by the Under Secretary of War August 30, 1941.

<sup>1</sup> Approved by the Under Secretary of War August 13, 1941.

*Second:* Article 2—Estimated costs is amended by adding the following items:

Item (3) * * * Airplanes..	\$105,430,080.00
Item (4) Spare parts for the Airplanes as set forth in	
Item (4) of Article 1.....	10,543,008.00

Total Estimated Cost of Items 3 and 4....	115,973,088.00
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*Third:* Article 5—Consideration. Subparagraph (a) is amended by increasing the fixed fee of "five million three hundred ninety-one thousand sixteen and eighty one hundredths dollars (\$5,391,016.80)" set out in said Article by the sum of six million nine hundred fifty-eight thousand three hundred eighty-five and twenty-eight one hundredths dollars (\$6,958,385.28) so that the fixed fee set out in said paragraph shall read "twelve million three hundred forty-nine thousand four hundred two and eight one hundredths dollars (\$12,349,402.08)" and is further amended by changing the estimated cost of "eighty-nine million eight hundred fifty-one thousand six hundred and eighty dollars (\$89,851,680.00)" set out therein by increasing said estimated cost one hundred fifteen million, nine hundred seventy-three thousand and eighty-eight dollars (\$115,973,088.00) (the estimated cost of the additional work called for by this Supplemental Contract) so that said estimated cost shall read "two hundred five million, eight hundred twenty-four thousand seven hundred and sixty-eight dollars (\$205,824,768.00)".

*Fifth:* Article 5—Changes, is amended for clarification by the substitution of the words "number of airplanes" for the word "quantities" in the parenthetical expressions in the first sentence of the Article.

*Sixth:* Subparagraph (b) of Article 6—Payment of the fixed fee, is amended by changing the amount of the fixed fee referred to therein from "five million three hundred ninety-one thousand sixteen and eighty one hundredths dollars (\$5,391,016.80)" to read "twelve million three hundred forty-nine thousand four hundred two and eight one hundredths dollars (\$12,349,402.08)".

*Seventh:* Paragraph 1 of subparagraph (c) of Article 6—Advance payments, is amended by changing the amount of the advance payment referred to therein as "twenty-six million nine hundred fifty-five thousand five hundred and four dollars (\$26,955,504.00)" by increasing said advance payment by the amount of Thirty per centum (30%) of the estimated cost of the work under this Supplemental Contract, to-wit thirty-four million seven hundred ninety-one thousand nine hundred twenty-six and forty one hundredths dollars (\$34,791,926.40) so that the amount of said advance payment shall read "sixty-one million seven hundred forty-seven thousand four hundred thirty and forty one hundredths dollars (\$61,747,430.40)".

*Tenth:* The separate contract contemplated by Article 28—Special Condition having been entered into, said Article 28 is hereby deleted.

This contract is authorized under the provisions of section 1 (a), Act of July 2, 1940, as amended by sec. 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7861; Filed, October 18, 1941;  
9:41 a. m.]

[Contract No. W 741 ORD 9807; P. O. 42-957]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL MOTORS CORPORATION, MUSKEGON, MICHIGAN

#### Contract for Parts.

Amount: \$2,345,848.61.

Place: Rock Island Arsenal, Rock Island, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to procurement authority (741) ORD 20428 P11-30 A 1005-2 the available balance of which is sufficient to cover cost of same.

This contract, entered into this 14th day of July 1941.

*Scope of this contract.* The contractor shall furnish and deliver parts for tanks for the consideration stated \$2,345,848.61 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

*Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of

the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7862; Filed, October 18, 1941;  
9:42 a. m.]

[Contract No. W-436-eng-7603]

#### SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: E. JACK SMITH, 756 HUNT BUILDING, ATLANTA, GEORGIA

Contract for Construction of runways, aprons, taxi strips, drainage facilities and underground duct.

Amount: \$1,257,355.00.

Place: Advanced Twin Engine School, Valdosta, Georgia.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority No. ENG-1041 P1-32 A-0540-13, C. of B. U. and A. at M. P., 1941-1943, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 10th day of September 1941.

*Statement of work.* The contractor shall furnish the materials, and perform the work for the construction of runways, aprons, taxi strips, drainage facilities and underground duct at the Advanced Twin Engine School, Valdosta, Georgia, for the consideration of \$1,275,355.00 in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

*Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

*Delays—Damages.* If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and

his sureties shall be liable for the amount thereof.

**Payments to contractors.** Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7863; Filed, October 18, 1941;  
9:42 a. m.]

[Contract No. W 199 qm-20720; O. I. No. 245-  
Sub-42]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILSON & CO., INC., 4100 SO.  
ASHLAND AVENUE, CHICAGO, ILL.

Contract for Beef, fresh, boneless, frozen.

Amount: \$1,420,388.50.

Place: Commanding Officer, New Orleans Quartermaster Depot, La.

This contract, entered into this 12th day of July 1941.

**Scope of this contract.** The contractor shall furnish and deliver Beef, fresh, boneless, frozen \* \* \* for the consideration stated \$1,420,388.50 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered

and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7864; Filed, October 18, 1941;  
9:42 a. m.]

[Contract No. W 741-ORD-73A; P. O.  
42-2819]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GUIBERSON DIESEL ENGINE  
COMPANY, CHICAGO, ILLINOIS

Contract for Parts.

Amount: \$4,057,224.33.

Place: Rock Island Arsenal, Rock Island, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority (741) ORD 20428 P11-30 A1005-2 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 11th day of August 1941.

**Scope of this contract.** The contractor shall furnish and deliver \* Parts for the consideration stated \$4,057,224.33 in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with the drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for

accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Termination when contractor not in default.** If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7865; Filed, October 18, 1941;  
9:43 a. m.]

[Contract No. W 6403 qm-12; O. I. No. 139]

#### SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: WESTERN CONSTRUCTION COMPANY, TEXTILE TOWER, SEATTLE, WASHINGTON

Contract for Constructing Complete Warehouse No. 1 Including utilities thereto at Seattle, Port of Embarkation. Amount: \$1,525,450.00.

Place: Seattle Quartermaster Depot, Seattle, Washington.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Q. M. 7485 P 1-3211 A 0540.067-N, the available balance of which is sufficient to cover cost of same.

This contract entered into this 28th day of June 1941.

**Statement of work.** The contractor shall furnish the materials, and perform the work for constructing complete warehouse No. 1, including utilities thereto at Seattle, Port of Embarkation, Seattle, Quartermaster Depot, Seattle, Washington, for the consideration of one million, five hundred twenty five thousand four hundred fifty dollars and no cents (\$1,525,450.00), in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

**Changes.** The contracting officer may at any time, by a written order, and without notice to the sureties make changes in the drawings and/or specifications of this contract and within the general scope thereof.

**Delays—Damages.** If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed,

the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

**Payments to contractors.** Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the acts of Second Supplemental National Defense Appropriation Act, 1941, Public No. 781—76th Congress approved September 9, 1940.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7866; Filed, October 18, 1941;  
9:43 a. m.]

[Contract No. W 6409 qm-13]

#### SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: THE AUSTIN COMPANY,  
16112 EUCLID AVENUE, CLEVELAND, OHIO

Amount fixed fee: \$18,125.00.

Estimated construction.

Cost (Art. V-2): \$1,398,537.00.

Type of construction project: Warehouse, Wood Deck and Pier Extensions.  
Location: Seattle, Washington.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8884 PL 29-77 A-0540-12 the available balance of which is sufficient to cover the cost of same.

This contract,<sup>1</sup> entered into this 27th day of May 1941.

<sup>1</sup> Approved by the Under Secretary of War June 30, 1941.

**Description of the work.** The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a Warehouse, Wood Deck and Pier Extensions, together with utilities and appurtenances thereto (hereinafter referred to as "the project"), located at or in the vicinity of Seattle, Washington.

**Data to be furnished by the Government.** The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications. \* \* \*  
**Estimated Cost of Construction:**

The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately one million three hundred ninety-eight thousand five hundred thirty-seven dollars (\$1,398,537.00) exclusive of Architect-Engineer's fixed fee.

**Fixed-fee and reimbursement of expenditures.** In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of eighteen thousand one hundred twenty-five dollars (\$18,125.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

**Drawings and other data to become property of Government.** All drawings, designs and specifications are to become the property of the Government.

**Changes in scope of project.** The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

**Termination for cause or for convenience of the Government.** The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 611—76th Congress Approved June 13, 1940

Public No. 703—76th Congress Approved July 2, 1940.

FRANK W. BULLOCK,  
Lieut. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-7867; Filed, October 18, 1941;  
9:44 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. A-636]

PETITION OF BERKEY BROS. COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR ITS MINE RUN COAL PRODUCED AT ITS BERKEY MINE (MINE INDEX NO. 40) FOR SHIPMENT AS TIDEWATER BUNKER FUEL

#### ORDER DENYING FINAL RELIEF

A petition having been filed with the Bituminous Coal Division by Berkey Bros. Coal Company, a code member in District 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the price of mine run coal produced at its Berkey Mine (Mine Index No. 40) for shipment for tidewater bunker fuel use be reduced to \$2.39 f. o. b. mine when for bunkering vessels destined for foreign ports and \$2.29 for those not destined to foreign ports;

Following an informal conference and with the consent of the parties there appearing, the Director, by Order dated March 3, 1941, having granted temporary relief pending final disposition of the petition herein;

Pursuant to Orders herein, and after due notice to interested persons, a hearing having been held before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., on July 2, 1941, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and the preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned; and

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the original petition of Berkey Bros. Coal Company be and the same hereby are denied, and

It is further ordered, That the temporary relief granted herein by the Order of the Director dated March 3, 1941, be and the same hereby is terminated, effective ten (10) days from the date of this Order.

Dated: October 16, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7854; Filed, October 17, 1941;  
12:51 p. m.]

[Docket No. 1811-FD]

IN THE MATTER OF MILLER BROS. (CARL MILLER), A PARTNERSHIP, CODE MEMBER, DEFENDANT

CORRECTION OF TYPOGRAPHICAL ERROR IN  
NOTICE OF AND ORDER FOR HEARING

A typographical error occurred in the Notice of and Order for Hearing, dated

October 7, 1941, in the above-entitled matter.

In the last paragraph thereof, the figure denoting the District No. is "3", whereas the figure should be "22."

Now, therefore, it is ordered, That the figure "3" in the last paragraph, of said Notice of and Order for Hearing dated October 7, 1941, be, and the same hereby is, deleted and the figure "22" inserted in place thereof.

Dated: October 16, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7852; Filed, October 17, 1941;  
12:50 p. m.]

[Docket No. 1646-FD]

IN THE MATTER OF E. R. ELLINGTON,  
DEFENDANT

#### ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 20, 1941, at a hearing room of the Bituminous Coal Division at Hotel Tutwiler, Birmingham, Alabama; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above entitled matter, be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate Order of the Director.

Dated: October 16, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7851; Filed, October 17, 1941;  
12:50 p. m.]

[Docket No. A-1015]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A-1015 Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HUBER STREET COAL COMPANY, MINE INDEX NO. 1540, LEROY HUBLER (ALDER RUN MINING COMPANY), MINE INDEX NO. 878, AND F. J. TROUTMAN, MINE INDEX NO. 848 IN DISTRICT NO. 1

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1015, PART II FROM DOCKET NO. A-1015, GRANTING TEMPORARY RELIEF IN PART IN DOCKET NO. A-1015, PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1015, PART II

The original petition in the above-entitled matters filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 1.

As indicated in an order issued in Docket No. A-1015, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner, except with respect to the establishment of permanent price classifications and minimum prices for the coals of Huber Street Coal Company, Mine Index No. 1540, Leroy Hubler (Alder Run Mining Co.), Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, and for the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for all shipments except truck. While it appears that temporary relief should be granted for the coals of Huber Street Coal Company, Mine Index No. 1540, Leroy Hubler (Alder Run Mining Co.), Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, for all shipments except truck, as prayed for by the petitioner, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices for such coals of the above-mentioned mines without a hearing.

It appears that temporary relief should not be granted, as prayed for by the petitioner, for the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for all shipments except truck, without a hearing, for the reason that the original petitioner has not set forth sufficient facts to warrant the establishment of temporary classifications and minimum prices for such coals.

Now, therefore, it is ordered, That the portion of Docket No. A-1015 relating to the coals of Huber Street Coal Company, Mine Index No. 1540 Leroy Hubler (Alder Run Mining Co.), Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, and to the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, and Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for all shipments except truck, be, and the same hereby is, severed from Docket No. A-1015 and designated as Docket No. A-1015, Part II.

It is further ordered, That a hearing in Docket No. A-1015, Part II under the applicable provisions of said Act and the rules of the Division be held on November 10, 1941 at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the

Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 5, 1941.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of Huber Street Coal Company, Mine Index No. 1540, Leroy Hubler, (Alder Run Mining Co.) Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, and for the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, and Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for all shipments except truck.

It is further ordered, That, pending final disposition of Docket No. A-1015, Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement R" annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,  
Director.



## TEMPORARY SUPPLEMENT

NOTE: The material contained in this Temporary Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-dkt. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1540	Huber Street Coal Company	Huber Street...	29	C	Johnstown, Pa....	B. & O....	105	(*)	(*)	E	(*)	(*)
878	Hubler, Leroy (Alder Run Mining Co.)	Shannon #2...	8	B	Bigler, Pa.....	P. R. R....	46	(*)	(*)	E	E	E
848	Troutman, F. J.....	Salem.....	11	E	Hawthorn, Pa....	P. R. R....	76	(*)	(*)	G	(*)	(*)

\*Indicates no classifications effective for these size groups.

[F. R. Doc. 41-7850; Filed, October 17, 1941; 12:49 p. m.]

## APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name	Address	Date application filed
W. J. Boston & Co., Inc.	Park Square Bldg., Boston, Mass.	10/3/41
Consumers Combustion Institute.	816 Hamilton Ave., St. Louis, Mo.	10/9/41
Keystone Coal Co.....	705 Central Savings Bank Bldg., Denver, Colo.	10/4/41
Livingston Fuel Co....	Livingston, Ky.....	10/9/41

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributor under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before November 17, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street, N. W., Washington, D. C.

Dated, October 15, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7849; Filed, October 17, 1941; 12:49 p. m.]

[Docket No. A-1078]

PETITION OF DISTRICT BOARD NO. 13 REQUESTING AN INCREASE IN THE MINIMUM PRICES FOR THE COAL PRODUCED AT THE WILSON MINE OF THE RIVER VALLEY CAHABA COAL COMPANY, MINE INDEX NO. 509, IN DISTRICT NO. 13 FOR TRUCK AND RAIL SHIPMENTS AND REQUESTING ADDITIONAL RAIL SHIPPING POINTS FOR

THE AFORESAID MINE AND FOR THE MCCARTY COAL COMPANY MINE OF DAVID MCCARTY, MINE INDEX NO. 115, IN DISTRICT NO. 13, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937.

## NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 25, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby

authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, to make appropriate orders of severance and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 20, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matters concerned herewith are in regard to the petition of District Board No. 13 requesting:

Increase in the minimum prices for the coal produced at the Wilson Mine of the River Valley Cahaba Coal Company, Mine Index No. 509, in District No. 13, as follows:

## For truck shipment

Size	1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 20
From.....	280	280	275	295	275	-----	-----	270	250	230	235	200	230	180	230
To.....	365	365	340	335	315	315	290	300	275	275	260	190	260	175	275

## For all shipments except truck

Size	1	2	6	7	8	9	10	11	13	17	18	22	23	20
From.....	320	320	295	285	285	275	275	265	275	260	250	250	240	290
To read.....	400	400	335	325	295	275	290	270	300	260	250	250	240	300

The establishment of an additional loading point at Avenue A and 15th Street on the team tracks of the L & N Railroad and Southern Railroad in Bir-

mingham, Alabama, for the coals produced at the aforesaid mine; provided that the minimum prices established for this mine shall not be applicable for

shipment from this point to destinations within the switching limits of Birmingham, Alabama; and

A change of the rail shipping point for coals produced at McCarty Coal Company Mine of David McCarty, Mine Index No. 115, from Morris, Alabama, on the L & N Railroad to Coalburg, Alabama, on the Southern Railroad.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7876; Filed, October 20, 1941;  
10:18 a. m.]

[Docket No. A-1086]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF MINE INDEX NOS. 14 AND 15 AND FOR THE REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS OF MINE INDEX NOS. 90, 194, 1122, AND 3106 IN DISTRICT NO. 1

#### NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

*It is ordered*, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 18, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section on room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may

No. 205—4

file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the mixing of the coals, and for the revision of effective price classifications and minimum prices established for the coals, of certain code members in District No. 1, for all shipments except truck and for truck shipments, and more particularly as follows:

1. To establish for the mixing of coals of the Apple Nos. 1 and 2 Mines, Mine Index Nos. 14 and 15, respectively, in Size Group 5 Price Classification "G" for all shipments except truck and to establish for the mixing of such coals in Size Group 5 a minimum price of 195 cents per net ton for truck shipments.

2. To revise the effective price classifications and minimum prices for the coals of the Cherry Run and Hamler Mines, Mine Index Nos. 90 and 194, respectively, in Size Groups 4 and 5 from Price Classifications "H" to "J" for all shipments except truck, and to revise the effective minimum prices for such coals in Size Group 4 from 200 to 195 cents per net ton and in Size Group 5 from 180 to 185 cents per net ton for truck shipments.

3. To revise the effective price classifications and minimum prices for the coals of the Bonner Mine, Mine Index No. 1122, in Size Groups 3, 4 and 5 from Price Classifications "F" to "E" for all shipments except truck, and to revise the effective minimum prices in Size Group 3 from 220 to 225 cents per net ton, in Size Group 4 from 210 to 215 cents per net ton, and in Size Group 5 from 200 to 205 cents per net ton for truck shipments.

4. To change from 43 to 44 the subdistrict number listed for the coals of the Duckworths Mine, Mine Index No. 3106.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7877; Filed, October 20, 1941;  
10:18 a. m.]

[Docket No. 1832-FD]

IN THE MATTER OF SOUTHERN COAL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION No. 8561, RESPONDENT

#### ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing on October 21, 1941, at 10 a. m. in Room 245, U. S. Courthouse, Nashville, Tennessee; and

It appearing to the Director that it is advisable to postpone said hearing;

*Now, therefore, it is ordered*, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 a. m. on October 21, 1941 to 10 a. m. on December 17, 1941, at the same place, and before the officers previously designated to preside.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,  
Director.

[F. R. Doc. 41-7878; Filed, October 20, 1941;  
10:18 a. m.]

[Docket No. A-1055]

PETITION OF DISTRICT BOARD NO. 9 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN OHIO COUNTY, KENTUCKY

[Docket No. A-1038]

PETITION OF DISTRICT BOARD NO. 9 REQUESTING DECREASE IN THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN DAVIESS COUNTY, KENTUCKY

#### ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Original petitions in the above-entitled matters were duly filed with this Division by District Board No. 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It appears that the matters concerned in the above-designated dockets present related issues of fact;

*Now, therefore, it is ordered*, That Dockets Nos. A-1055 and A-1038 be consolidated for the purpose of hearing and for such other purposes as the Director may deem advisable.

*It is further ordered*, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on November 26, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered that Floyd McGown or any other officer or officers of the Division duly designated for that pur-

pose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 21, 1941.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of these petitions.

The matter concerned herewith in Docket No. A-1055 is in regard to the petition of District Board No. 9 to increase the effective minimum prices for truck shipments by twenty cents in Size Groups 1 and 2 and fifteen cents in Size Groups 3 to 7, inclusive, for the coals produced at Mine Index Nos. 404, 645, 406, 597, 599, 405, 602, 437, 603, 604, 596, 410, 414, 607, 419, 612, 428, 618, 432, 439, 621, 431 and 444 in Ohio County, Kentucky, and to reduce the effective minimum prices for truck shipment by thirty cents in Size Groups 1 to 4, inclusive, for the coals produced at Mine Index No. 237 in Ohio County, Kentucky.

The matter concerned herewith in Docket No. A-1088 is in regard to the petition of District Board No. 9 to decrease the effective minimum prices for truck shipments by thirty cents in Size Groups 1 to 4, inclusive, for the coals produced at Mine Index Nos. 239, 671, 244, 245, 246, 247, 248, 253, 254, 257 and 259 in Daviess County, Kentucky.

Dated: October 17, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7879; Filed, October 20, 1941; 10:18 a. m.]

[Docket No. A-1004]

PETITION OF THE SHERIDAN-WYOMING COAL COMPANY, INC., A CODE MEMBER IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORN MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

[Docket No. A-1005]

PETITION OF ACE OF SPADES COAL COMPANY ET AL., CODE MEMBERS IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORN MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

#### ORDER DENYING TEMPORARY RELIEF

Original petitions, pursuant to the Bituminous Coal Act of 1937, were filed with the Division in the above-entitled matters—in Docket No. A-1004, by the Sheridan-Wyoming Coal Company, Inc. and, in Docket No. A-1005, by the Ace of Spades Coal Company, Kristina Bloom, Cecil Boulware, Manderson Coal Company, Big Seven Coal Company, Patrick Burns, Jesse A. Oldham, Silver Tip Mining Company, Sheridan-Wyoming Coal Company, Inc., and Wyoming Wonder Coal Company, all the petitioners being code members operating mines in Subdistrict 5 in District No. 19. The Sheridan-Wyoming Coal Company, Inc., is hereinafter referred to as the Sheridan Company.

Both petitions contain requests for relief, both temporary and permanent, as follows: (1) That the effective minimum prices f. o. b. the transportation facilities at the respective mines for the coals, for truck shipment, produced at the Miller Mine (Mine Index No. 152) and Osborn Mine (Mine Index No. 159) of the Sheridan Company, be made applicable to those coals, for truck shipment, from the loading facilities of the Kirby tippie of that company, located at Kirby, Wyoming; (2) that the effective minimum prices for the coals, for truck shipment, produced at the Gebo Coal Mine (Mine Index No. 129), the Coal Draw Mine (Mine Index No. 180) and the Eagle Mine (Mine Index No. 124) be reduced five cents per net ton and that such prices for the coals produced at the mines of all other code members, except the Miller and Osborn Mines of the Sheridan Company, in Subdistrict 5 be reduced 15 cents per net ton. In addition, the petition in Docket No. A-1005 asks that District Board 19 be requested to file, under section 4 II (d) of the Act, a petition praying that the minimum prices for the coals, for truck shipment, produced in

Subdistrict No. 2 of District No. 22 be raised to the same level, for comparable sizes, as is requested in both of the original petitions for all mines in Subdistrict 5 in District No. 19 other than Mine Index Nos. 124, 129, 152, 159 and 180.

District Board No. 19 has filed an intervening petition in the matter objecting to the granting of the temporary relief requested in the original petitions. It stresses the importance of the subject matter, expresses its desire to present evidence and examine witnesses at a formal hearing thereon and urges that such hearing be held at an early date. The two dockets have been consolidated and set for hearing on November 17, 1941, at Thermopolis, Wyoming.

Prior to the filing of the intervening petition of District Board No. 19 and, pursuant to notice given to all interested persons, an informal conference on the question of granting the temporary relief requested by the petitioners was held by the Division at Cheyenne, Wyoming on August 15 and 16, 1941.

The conference was attended by Messrs. D. H. Pape, J. T. Hill, and R. E. McNally, President, Sales Manager and Attorney, respectively, of the Sheridan Company, appearing for that company in support of the prayer for temporary relief. Mr. Hill also appeared for the petitioners other than the Sheridan Company in Docket No. A-1005 in support of their prayer for temporary relief. Also in attendance, but opposing the granting of the temporary relief requested, were John Carey, operating the Carey Mine (Mine Index No. 117), Dave King of the Gebo Coal Mine, operating the Gebo No. 1 Mine (Mine Index No. 129), Joe K. Mallicky of the Valley Coal Mine, operating the Valley Mine (Mine Index No. 182), Wm. Mauch of the Silver Tip Mining Co., operating the Silver Tip Mine (Mine Index No. 147), Cyril Oblak of the Eagle Mine Co., operating the Eagle Mine (Mine Index No. 124), Leo Roncco, operating the Roncco Mine (Mine Index No. 167) and Jack Todorovich on behalf of the Coal Draw Mine (Mine Index No. 180), all said mines being located in Subdistrict 5 of District No. 19.

There also attended the conference, for the stated purpose of appearing only as observers, L. W. Mitchell and Bard Farrell, Secretary-Treasurer and Attorney respectively, for District Board No. 19 and T. H. Bunnell, a member of that district board and the operator of the Gebo No. 2 Mine (Mine Index No. 114) and the Gebo No. 4 Mine (Mine Index No. 192) in Subdistrict 5. During the conference and, upon the request of its chairman, Mr. Mitchell stated his personal opinion on the question of granting the temporary relief requested, that opinion being that the relief should not be granted in advance of a formal hearing in the matter and of an opportunity given to District Board No. 19 to investigate thoroughly the pertinent factors and to be in a position to submit evidence bearing thereon.

In the conference Mr. Mauch of the Silver Tip Mining Company, who was one of the joint petitioners in Docket No. A-1005, stated that he had signed the petition under a misapprehension of certain pertinent facts and that he was actually opposed to, rather than in favor of, the granting of either the temporary or permanent relief requested. The authority of Mr. Hill, who alone appeared on behalf of the joint petitioners, other than the Sheridan Company, in Docket No. A-1005, to represent all of those joint petitioners at the informal conference, was questioned by certain code members in attendance and opposing the granting of the temporary relief. Thereafter, Mr. Hill, upon behalf of and as to all of the joint petitioners except the Sheridan Company in Docket No. A-1005, waived the request for the granting of the temporary relief. Also, during the conference, the Sheridan Company waived the request for temporary relief in connection with the proposed raising of the minimum prices for the coals, for truck shipment, produced at the mines in Subdistrict 2 of District No. 22.

It appears that the presently effective minimum prices for the coals, for both rail and truck shipments, produced at Mine Index Nos. 152 and 159 were established in the Division's General Docket No. 15. During the hearing of evidence in that docket the tipples at which the coals of those mines were prepared for shipment were located within 500 feet from the mouths of the mines. They were adjacent to a county road at points some six or seven miles distant from U. S. Highway No. 20. Aside from the rail shipment during 1939 of some 35 or 40 carloads, a very small proportion of the total output of Mine Index No. 159, the coals of those two mines appear to have been shipped exclusively by truck during and prior to the proceedings in General Docket No. 15. Those rail shipments were loaded at a ramp on the C. B. & Q. railroad some 6½ miles distant from the tippie and mouth of the mine.

The hearing of evidence on the basis of which minimum prices were established in General Docket No. 15 was closed on January 20, 1940. It was some four or five months thereafter when the Sheridan Company began negotiations for the purchase of Mine Index Nos. 152 and 159, the erection of a tippie adjacent to U. S. Highway No. 20 and to the right of way of the C. B. & Q. railroad in Kirby, Wyoming, and removed the then existing tipples of the two mines. Although that company represented that it informed the Division of those proposed operations, it made no request for the reopening of the proceedings in General Docket No. 15 in order to introduce evidence pertinent thereto, nor did it file any petition under section 4 II (d) of the Act in that regard prior to the filing of the original petitions in the instant dockets. However, the Sheridan Company was advised on two occasions by the Division, by letters dated September 30, 1940 and May 19, 1941, respectively, that if it was dissat-

isfied with the minimum prices established for the coals of Mine Index Nos. 152 and 159, it should either file directly or request its district board to file with the Division a petition under section 4 II (d) of the Act requesting relief as to those prices.

In the proceedings in General Docket No. 15 identical minimum prices, f. o. b. the loading facilities at the respective mines, were established for all coals, in the respective size groups for like methods of shipment, produced within Subdistrict 5 of District 19. This was based upon evidence adduced as to their market history. No price differentials were created to reflect the respective distances between the several mines and the points of consumption to which their coals moved. Satisfactory evidence was not available for the identification of those points of consumption or for the determination of the respective tonnages consumed thereat and moved by truck from the different mines in that subdistrict. Actually, the minimum prices established for those coals were largely based upon the testimony of D. H. Pape, the President of the Sheridan Company, introduced in those proceedings.

On behalf of the Sheridan Company it was represented that its Messrs. Pape and Hill, subsequent to the proceedings of General Docket 15, had made a careful study as to the advisability of a correlation of the truck mine prices for Subdistrict 5 upon a basis which would reflect the weighted average distance of each mine from the several destinations into which its coals moved and were consumed. Mr. Pape stated that the subdistrict contains some 25 producing mines and designated some 10 towns within a radius of 150 miles from the Kirby tippie as representative destinations of those coals. The weighted average mileages of some eight producers, including Mine Index Nos. 152 and 159, from those towns was stated. No information was presented, however, as to such mileages from other towns or from the consumers in the rural areas served by those producers. Nor was any such information presented as to the locations of the other seventeen producers in the subdistrict. No consideration was given to the wide variance in the populations of those towns. Furthermore, there was no showing that the actual movements of the truck coals with identification of the areas in which they were consumed is any more ascertainable today than it was during the proceedings in General Docket No. 15. Finally, it is noted that the correlation of minimum prices proposed by the Sheridan Company for the truck shipment of coals produced in Subdistrict 5 is predicated upon the sole factor of the varying distances between the mines and the consumers. No consideration is given to other important marketing factors, such as the nature of the roads to be travelled, the chemical and physical characteristics of the coals, their consumer accept-

ance or the availability of other competitive fuels.

At the conference, and in exhibits thereafter filed for its record, there were submitted for Mine Index Nos. 152 and 159 of the Sheridan Company data disclosing their truck shipments, by months, during the period, substantially, from October 1939 to July 1941. Similar data was filed as to the tonnages of Mine Index Nos. 117, 129, 167 and 182. The objector, William Mauch of Mine Index No. 147 filed such data only for the months from October 1940 to July 1941, inclusive, explaining that he had acquired the mine shortly prior to October 1940, and that for the preceding months no such data was available to him. No such data whatever was filed for any of the mines operated by the joint petitioners, other than the Sheridan Company, in Docket No. A-1005. It appears that although the truck shipments of Mine Index Nos. 152 and 159 dropped from 7,327 tons in 1939 to 4,936 tons in 1940, a decrease of approximately 32.6 per cent, the total rail and truck tonnages of those two mines rose from 8,164 tons in 1939 to 17,874 tons in 1940, an increase of approximately 119%. The Sheridan Company supplied data at the conference reflecting substantial changes in the truck tonnages of eight of the mines in the subdistrict, including Mine Index Nos. 152 and 159, shipped during the years 1939 and 1940 as reason for the granting of the temporary relief requested. The varying trends of those truck tonnages fail to any substantial extent, however, to support and are not reconcilable with the different price reductions requested for those mines or for the other mines in the subdistrict, as to the production of which no figures were submitted.

The Sheridan Company represented that on or about May 21, 1941 it received advice from the Director that for all coals, for truck shipment, produced at Mine Index Nos. 152 and 159, but sold at the Kirby tippie, it must add to the effective minimum prices therefor set forth in the Schedule of Effective Minimum Prices for District No. 19, the cost of transporting those coals from the mouths of the respective mines to the Kirby tippie; that such transportation costs amount to approximately 28 cents per net ton for the coals produced at both mines; that after May 21, 1941 it had discontinued, except for the sale under unusual market conditions of some 160 tons of nut and pea coals at prices more than sufficient to include those transportation costs, the sale of coals, for truck shipment, from those mines, but that the demand for such shipments in the interim had been negligible. It insisted, however, that a substantial demand for such shipments would develop in the immediate future and that its failure to secure immediate relief as requested would result in a substantial loss in the operations of the two mines. It was unable to furnish at the conference data disclosing the rail tonnages

shipped by its two mines during any of the months of 1941, although it represented that shortly before it discontinued its truck shipments in May of this year, the latter shipments comprised approximately 17 percent of the total tonnages shipped by the two mines.

The granting of the relief requested would operate to reduce the effective minimum prices for the coals, for truck shipment, produced at Mine Index Nos. 152 and 159 of the Sheridan Company, in an amount equal to the cost of transporting those coals from the mouths of the two mines to the Kirby tippie, or approximately 28 cents per net ton. It would reduce the effective minimum prices for the coals, for truck shipment, produced at the other mines in Subdistrict 5 to the extent of 5 cents per net ton for three of those mines and to the extent of 15 cents per net ton for the remainder. No showing was made to the effect that any of those mines other than the two mines of the Sheridan Company are presently entitled to or desire the reductions requested for their coals. It is apparent, however, that the granting of the requested relief only as to the coals produced by Mine Index Nos. 152 and 159 would be highly prejudicial to the other mines in the subdistrict and would impair to a substantial degree their fair existing competitive opportunities with Mine Index Nos. 152 and 159.

From the foregoing it appears that the Sheridan Company, the only one of the original petitioners now requesting immediate and temporary relief, has not made an adequate showing of actual or impending injury in the event that the temporary relief requested is not granted; also that the granting of such relief might unduly prejudice other interested persons in advance of a hearing; and also that no sufficiently clear showing has been made that that company is entitled to the relief prayed.

Now, therefore, it is ordered, That the request for temporary relief in advance of a hearing made by Sheridan-Wyoming Coal Company, Inc., in the original petitions filed by it and other joint petitioners in the instant dockets be, and it hereby is, denied.

Dated: October 17, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-7880; Filed, October 20, 1941;  
10:19 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under sec-

tion 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order of Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 20, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY,  
PRODUCT, NUMBER OF LEARNERS AND EX-  
PIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

#### Apparel

Allen Underwear Manufacturing Company, Inc., White Mills, Pennsylvania; Ladies' Underwear; 10 percent; October 20, 1942.

The Badger Raincoat Company, 209 Franklin Street, Port Washington, Wisconsin; Men's and Boys' Clothing, Sportswear, Outerwear, Leather and Sheep-lined Garments, Rainwear; 5 learners; October 20, 1942.

Banks Brothers Pants Factory, Chestnut Street, Delmar, Maryland; Cotton Work Pants; 10 percent; October 20, 1942.

Adam H. Bartel Company, 200 South 8th Street, Richmond, Indiana; Denim Overalls; 10 percent; October 20, 1942.

Bell Garment Manufacturing Corporation, 3021 East Martin Street, San Antonio, Texas; Boys' Sport Clothing, Children's Play Clothes; 10 learners; October 20, 1942.

Berkshire Undergarment Manufacturing Corporation, 266 Arch Street, New

Britain, Connecticut; Ladies' Woven Undewear; 10 percent; October 20, 1942.

Bonzette Foundations, Inc., 12-16 W. 27th Street, New York, New York; Brassieres; 10 percent; February 2, 1942.

The Brunner Company, 3911 Cleveland Avenue, Ashtabula, Ohio; Dresses and Housecoats; 10 percent; October 20, 1942.

Charma Brassiere Company, Inc., 24 West 30th Street, New York, N. Y.; Corsets and Allied Garments; 10 percent; February 2, 1942.

Chenille Manufacturing Company, 28 1/2 East 2nd Street, Sand Springs, Oklahoma; Chenille Robes; 3 learners; February 17, 1942.

The Clifton Shirt Company, 129 W. 4th Street, Cincinnati, Ohio; Uniform Shirts; 4 learners; October 20, 1942.

Dalomar Dress Company, Fairview Street, Riverside, New Jersey; Ladies' Dresses; 10 learners; October 20, 1942.

Di-Anne Underwear Corporation, 308 S. First Street, Lebanon, Pennsylvania; Women's Underwear; 10 percent; October 20, 1942.

John Dockey, Benton, Pennsylvania; Ladies' Blouses; 20 learners; April 20, 1942.

Domestic Overall and Pants Company, 28 N. 3rd Street, Philadelphia, Pennsylvania; Men's & Boys' Dungarees; 3 learners; October 20, 1942.

Duke of Hollywood, Inc., 212 East Eighth Street, Los Angeles, California; Men's Sport Shirts, Loafer Jackets; 8 learners; October 20, 1942.

Eddy-Form, Inc., 30 East 33rd Street, New York, New York; Corsets, Brassieres; 10 percent; February 2, 1942.

Eureka Pants Manufacturing Company, Depot Street, Shelbyville, Tennessee; Cotton Work Pants; 10 percent; October 20, 1942.

Cherryland Manufacturing Company, Woodmere Avenue, Traverse City, Michigan; Trousers, Jackets; 10 percent; October 20, 1942.

Herman Flax, 37 Terry Street, Patchogue, Long Island, New York; Children's Dresses, Boys' Wash Suits; 5 learners; October 20, 1942.

Franklin Garment Company, 626 Arch Street, Philadelphia, Pennsylvania; Single Cotton Pants; 4 learners; October 20, 1942.

General Sportswear Company, Inc., 23 Market Street, Ellenville, New York; Children's Sun Suits and Play Suits; 3 learners; October 20, 1942.

Globe Pants Manufacturing Company, 300 Plymouth Avenue, Fall River, Massachusetts; Single Pants and Coveralls; 6 learners; October 20, 1942.

The Gluckin Corporation, Cross Street, Suffern, New York; Brassieres, Girdles; 35 learners; March 30, 1942.

Joseph Greenberg, 37 Bainbridge Street, Elizabethtown, Pennsylvania; Children's Dresses; 9 learners; October 20, 1942.

Hollywood Maxwell Company, 146 S. W. Temple Street, Salt Lake City, Utah; Brassieres; 5 learners; October 20, 1942.

Hollywood Needlecraft, 546 South Los Angeles Street, Los Angeles, California;



Infants' Outerwear; 4 learners; October 20, 1942.

Hyde Park Clothes, Inc., Sixth and Washington Streets, Newport, Kentucky; Men's Clothing; 5 percent; October 20, 1942.

Hyman Brothers, N. E. Corner 33rd and Arch Streets, Philadelphia, Pennsylvania; Ladies and Misses Cotton Wool and Rayon Dresses; 10 percent; October 20, 1942.

M. Jackman and Sons, 309 East Eighth Street, Los Angeles, California; Sportswear, Formal Accessories; 5 learners; October 20, 1942.

Kolliner St. Croix Garment Company, 242-254 North Main Street, Stillwater, Minnesota; Sportswear, Odd Outerwear; 5 learners; October 20, 1942.

LeHigh Dress Company, 1401 Broadway, Bethlehem, Pennsylvania; Dresses; 10 percent; June 16, 1942. (This certificate replaces one for your plant at 507 Evans Street, bearing expiration date of June 16, 1942.)

Lenoir Shirt Company, Caswell Street, Kinston, North Carolina; Cotton Shirts; 12 learners; October 20, 1942.

Lexington Shirt Corporation, East Second Avenue, Lexington, North Carolina; Men's and Boys' Dress Shirts; 10 percent; October 20, 1942.

Mittelman, Bernstein and Company, Fifteenth and Walnut Streets, Wilmington, Delaware; Ladies' and Children's Pajamas and Housecoats; 10 percent; October 20, 1942.

Mt. Clare Sportswear, Inc., 1570 Webster Avenue, New York, New York; Dresses; 4 learners; February 2, 1942.

New England Sportswear and Dress Company, Inc., 12 Elm Street, New Haven, Connecticut; Dresses; 5 learners; October 20, 1942.

Nunnally and McCrea, 292 Lambert Street, N. W., Atlanta, Georgia; Pants, Overalls, etc.; 150 learners; April 20, 1942.

Nuzan Brassiere Company, Inc., 102 Madison Avenue, New York, New York; Brassieres; 10 percent; February 2, 1942.

Obion Garment Company, Obion, Tennessee; Wash Dresses; 5 learners; October 20, 1942.

Olga Frocks, 100 Richmond Avenue, Point Pleasant Beach, New Jersey; Dresses, Coats, Suits; 4 learners; October 20, 1942.

The Patricia Petticoat Company, Inc., 136 Madison Avenue, New York, New York; Ladies' Silk Underwear; 10 percent; April 13, 1942.

Penn Sportswear Corporation, 4010 Chestnut Street, Allentown, Pennsylvania; Dresses; 10 learners; October 20, 1942.

Perfect Brassiere Company, Inc., 26 Exchange Place, Jersey City, New Jersey; Corsets and Allied Garments; 10 learners; October 20, 1942.

Pleasant Novelty Company, 273 Pleasant Street, Fall River Massachusetts; Boys' Wash Suits and Novelties; 8 learners; October 20, 1942.

Primrose Foundations, Inc., 53 West 23rd Street, New York, New York; Corsets, Girdles; 10 percent; February 2, 1942.

Provo Garment Company, 60 East 4th Street, Provo, Utah; Wash Dresses and Front Aprons; 6 learners; April 14, 1942.

John Rissman and Son, 841 Blue Island Avenue, Chicago, Illinois; Overall and Overall Jackets; 15 learners; October 20, 1942.

Rotary Shirt Company, Inc., 9 Broad Street, Glens Falls, New York; Dress Shirts; 10 percent; October 20, 1942.

Morris Schwartz Dress Company, Clinton Street, Montgomery, New York; Dresses and Housecoats; 7 learners; October 20, 1942.

M. and D. Simon Company, 700 St. Clair Avenue West, Cleveland, Ohio; Men's Shirts; 8 learners; October 20, 1942.

J. H. Stern Garment Company, East Hummelstown, Elizabethtown, Pennsylvania; Children's Dresses, Ladies' & Children's Aprons; 5 learners; October 20, 1942.

Stratford Lingerie, Inc.; 1 High Street, Morristown, New Jersey; Slips, Gowns, Panties; 5 learners; October 20, 1942.

Sweet-Orr and Company, Inc., 327 Liberty Street, Newburgh, New York; Overalls; 10 percent; October 20, 1942.

Sweet-Orr and Company, Inc., 274 Broadway, Newburgh, New York; Overalls, Single Pants and Coveralls; 10 percent; October 20, 1942.

Tutelman Shirt and Pajama Company, 21 N. Arkansas Avenue, Atlantic City, New Jersey; Men's Pajamas, Men's Nightshirts; 10 percent; October 20, 1942.

The Warner Brothers Company, 325 LaFayette Street, Bridgeport, Connecticut; Corsets, Corselettes and Brassieres; 10 percent; October 20, 1942.

Wirk Garment Corporation, Ligonier, Indiana; Pants, Jackets, Work Shirts, Coveralls; 10 percent; October 20, 1942.

#### Hosiery

Charles G. Barger Company, Espy, Pennsylvania; Seamless Hosiery; 5 learners; October 20, 1942.

Chipman LaCrosse Hosiery Mills Company, Inc., 125 East Caswell Street, Hendersonville, North Carolina; Seamless Hosiery; 5 percent; October 20, 1942.

W. B. Davis and Son, Inc., Eighth Street, Fort Payne, Alabama; Seamless Hosiery; 25 learners; June 20, 1942.

Graysville Hosiery Mill, 125 East Main Street, Dayton, Tennessee; Seamless Hosiery; 20 learners; June 20, 1942.

Hosiery Processing Company, Hooker Road, Rossville, Georgia; Full Fashioned Hosiery; 4 learners; April 20, 1942.

Interwoven Stocking Company, Berkeley Springs, West Virginia; Seamless Hosiery; 5 percent; October 20, 1942.

Interwoven Stocking Company, Berkeley Springs, West Virginia; Seamless Hosiery; 10 learners; June 20, 1942.

Marshall Field and Company, Manufacturing Division, Fieldale, Virginia; Full Fashioned Hosiery; 5 percent; October 20, 1942.

Morristown Knitting Mills, Inc., White Pine, Tennessee; Seamless Hosiery; 5 percent; October 20, 1942.

Morristown Knitting Mills, Inc., Morristown, Tennessee; Seamless Hosiery; 5 percent; October 20, 1942.

Norris Hosiery Mill, 2806 Dooley Street, Cleveland, Tennessee; Seamless Hosiery; 5 learners; October 20, 1942.

Pocomoke Textiles, Inc., Pocomoke City, Maryland; Full Fashioned Hosiery; 2 learners; October 20, 1942.

Victor Silk Hosiery Corporation, 775 Frederick Road, Hagerstown, Maryland; Full Fashioned Hosiery; 5 percent; October 20, 1942.

Wyatt Knitting Company, Inc.; Sanford, North Carolina; Full Fashioned Hosiery; 5 learners; October 20, 1942.

#### Knitted Wear

A. Max Munzel Knitting Company, 718 Hudson Street, Hawley, Pennsylvania; Knitted Outerwear; 2 learners; April 20, 1942.

Van Raalte Company, Inc., High Rock Avenue, Saratoga Springs, New York; Knitted Underwear; 5 percent; October 20, 1942.

#### Textile

Nashawena Mills, Belleville Avenue, New Bedford, Massachusetts; Cotton; 10 learners; October 20, 1942.

United Throwing Company, 2nd and Bridge Streets, Columbia, Pennsylvania; Rayon Yarn; 3 percent; October 20, 1942.

#### Woolen

Bloomsburg Worsted Mills, 340 West Sixth Street, Bloomsburg, Pennsylvania; Worsted Yarns; 3 percent; October 20, 1942.

Excelsior Mills, Union, South Carolina; Women's Dress Goods, Suitings; 90 learners; February 2, 1942.

Signed at Washington, D. C., this 20th day of October 1941.

MERLE W. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-7906; Filed, October 20, 1941; 12:03 p. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 20, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Engel Art Corners Manufacturing Company, 4711-17 N. Clark Street, Chicago, Illinois; Art Corners for Mounting Photographs; 2 learners; 4 weeks for any one learner; 32 cents per hour; Punch Press Operator; December 1, 1941.

Northeastern Container Corporation, Box 217, Bradford, Pennsylvania; Corrugated Shipping Containers; 6 learners; 4 weeks (160 hours) for any one learner; 30 cents per hour; Folding, stitching and setting up racks; December 29, 1941.

J. C. Ott, Packagings, N. Water Street, Sellingsgrove, Pennsylvania; Set-Up and Folding Paper Boxes; 2 learners; 6 weeks for any one learner; Wrapper; 30 cents per hour; December 15, 1941.

Spinning Wheel Rugs, Inc., 295 Fifth Avenue, New York, New York; Hooked Rugs; 12 learners; 6 weeks for any one learner; 30 cents per hour; Rug Hooker; January 26, 1942.

Signed at Washington, D. C., this 20th day of October 1941.

MERLE W. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 41-7907; Filed, October 20, 1941;  
12:03 p. m.]

## FEDERAL POWER COMMISSION.

[Docket No. DI-163]

IN THE MATTER OF PACIFIC GAS AND  
ELECTRIC COMPANY

### ORDER POSTPONING DATE FOR ORAL ARGUMENT

OCTOBER 17, 1941.

It appearing that: By telegram filed October 16, 1941, counsel for Pacific Gas and Electric Company requested that oral argument upon the issues tendered by the declaration of intention in the above-entitled matter be postponed approximately a week from October 24, the date now fixed;

It is ordered that: Oral argument on this proceeding now set for October 24,

1941, is hereby postponed to October 31, 1941, beginning at the same time and same place.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 41-7872; Filed, October 20, 1941;  
10:02 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-165]

IN THE MATTER OF WISCONSIN INVESTMENT  
COMPANY

### NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

An application having been filed by the above named applicant pursuant to the provisions of sections 6 (c) and 23 (c) (3) of the Investment Company Act of 1940 for an order exempting the applicant from the provisions of Rule N-23C-1 promulgated under said Act insofar as said rule prevents the applicant from repurchasing in any one month more than 1% of the number of shares of its capital stock outstanding at the beginning of any such month.

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 24, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7896; Filed, October 20, 1941;  
11:43 a. m.]

[File Nos. 54-33 and 50-25]

IN THE MATTER OF THE UNITED  
CORPORATION

### ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

The Commission having heard oral argument on October 2, 1941 with respect to the procedure to be adopted in the hearing before the Trial Examiner and with respect to legal matters raised in the Respondent's answer; and having taken the matter under advisement and postponed, by Order issued October 7, 1941, the scheduled public hearing to October 21, 1941; and

The Commission still having the matter under advisement, and it now appearing that the Commission's decision may not be issued prior to October 21, 1941 so that it is appropriate to further postpone the scheduled hearing;

It is ordered, That the public hearing scheduled for October 21, 1941 be and is hereby postponed to November 4, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7897; Filed, October 20, 1941;  
11:44 a. m.]

[File No. 70-368]

IN THE MATTER OF WESTERN NEW YORK  
WATER COMPANY

### NOTICE REGARDING FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

Notice is hereby given that an amendment has been filed herein substantially altering the declaration or application (or both), as previously amended, regarding which notice of filing was given by the Commission on August 7, 1941. (See Holding Company Act Release No. 2932.)

Notice is further given that any interested person may, not later than October 25, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that the hearing held on such matter be reconvened, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order such hearing reconvened. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, as now amended, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Western New York Water Company, a subsidiary of Federal Water Service Cor-

poration which is a registered holding company, proposes to issue and sell to The Northwestern Mutual Life Insurance Company \$3,000,000 principal amount of First Mortgage Sinking Fund Bonds, 3½% Series, due 1966, and \$1,400,000 principal amount of 3¾% Sinking Fund Notes, due 1956. It is proposed that said bonds will be sold at a price of 106.74% of their principal amount plus accrued interest, and that said notes will be sold at a price of 102.90% of their principal amount plus accrued interest.

The proceeds of the sale of the securities above described will be applied to the redemption of the following securities of the applicant:

**First Mortgage Gold Bonds—**

5½%, Series A, due November 1, 1950, at 105% of their principal amount plus accrued interest, outstanding in the principal amount of \$2,067,500.

5%, Series B, due November 1, 1950, at 105% of their principal amount plus accrued interest to January 1, 1942, outstanding in the principal amount of \$668,000.

5%, Series of 1951, due November 1, 1951, at 101% of their principal amount plus accrued interest, outstanding in the principal amount of \$1,155,500 (exclusive of \$9,000 principal amount reacquired and held in treasury).

Ten Year Six Per Cent Convertible Debenture Gold Bonds, maturity extended to November 1, 1950, at 100% of their principal amount plus accrued interest, outstanding in the principal amount of \$576,500, exclusive of \$156,500 principal amount reacquired and held in treasury (which are not available for the sinking fund) and \$47,000 principal amount reacquired and cancelled, representing bonds required to be retired by November 1, 1941 under sinking fund provisions.

Applicant does not contemplate that any public offering will be made of the securities proposed to be issued and has applied to the Commission for exemption from paragraphs (b) and (c) of Rule U-50 on the ground that the proposed transaction falls within the provisions of subparagraph (5) of paragraph (a) of the said Rule.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7898; Filed, October 20, 1941;  
11:44 a. m.]

[File No. 1-1689]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER THE REGISTRATION OF MONTANA CONSOLIDATED MINES CORPORATION COMMON CAPITAL STOCK, 10¢ PAR VALUE, NON-ASSESSABLE, SHOULD BE SUSPENDED OR WITHDRAWN

**ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY**

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

**I**

It appearing to the Commission:

That Montana Consolidated Mines Corporation, a corporation organized under the laws of the State of Montana, is the issuer of Common Capital Stock, 10¢ Par Value, Non-Assessable; and

That said Montana Consolidated Mines Corporation registered such security on the Standard Stock Exchange of Spokane, a national securities exchange, by filing on or about June 1, 1935, an application on Form 10 with the Exchange and with the Commission pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective October 1, 1935, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Montana Consolidated Mines Corporation; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Montana Consolidated Mines Corporation has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1940 was due to be filed not later than April 30, 1941; that upon the request of the registrant the time for filing was extended to June 30, 1941, the maximum extension permitted by Rule X-13A-1; that the annual report for the fiscal year ended December 31, 1940 was not filed either within such extended period or at any later date; and

**II**

The Commission having reasonable cause to believe that:

The said Montana Consolidated Mines Corporation has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1940 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

**III**

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Montana Consolidated Mines Corporation has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, 10¢ Par Value, Non-Assessable, of said Montana Consolidated Mines Corporation on said Standard Stock Exchange of Spokane;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 18th day of November, at 10:00 a. m. at the Regional Office of the Securities and Exchange Commission, 821 Second Avenue, Seattle, Washington, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7899; Filed, October 20, 1941;  
11:45 a. m.]

[File No. 59-27]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, RESPONDENT

**SUPPLEMENTAL NOTICE**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

The Commission having heretofore ordered that a hearing be held in the above entitled matter at its offices, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10:00 o'clock in the forenoon of October 22, 1941; and

The Commission having further ordered that at such hearing consideration be given, and Respondent and other parties in interest have an opportunity to be heard; with respect to:

(a) What steps International Utilities Corporation should take to remove the undue and unnecessary complications in its corporate structure;

(b) What further or additional steps International Utilities Corporation should take to insure the fair and equitable distribution of voting power among its security holders; and

(c) What further action may be required by International Utilities Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935.

Notice is hereby given that among the matters to be considered and concerning which evidence will be received are:

(1) Whether complete compliance with section 11 (b) (2) of the Act will permit the continued existence of International Utilities Corporation; and

(2) Whether, if the continued existence of International Utilities Corporation is permissible, complete compliance with section 11 (b) (2) of the Act will permit International Utilities Corporation to have a corporate structure consisting of more than one class of securities.

Any person proposing to intervene at these proceedings shall file with the Sec-

retary of the Commission on or before the 21st day of October, 1941, his request or application therefor as provided by Rule XVII of the Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7900; Filed, October 20, 1941;  
11:45 a. m.]

[File No. 70-417]

IN THE MATTER OF CONSUMERS GAS  
COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D., 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 28, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed:

Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company and, in turn, a subsidiary of The United Corporation, also a registered holding company, proposes to purchase and acquire 330 shares of the publicly outstanding common stock of Reading Gas Company at \$64.00 per share. Consumers Gas Company presently owns 1,362 shares (11.35%) and operates, under a 99-year lease expiring November 1, 1985, all of the property of Reading Gas Company at an annual rental of \$36,500 per annum. Upon the expiration of the lease, Consumers Gas Company is required to surrender the property, together with all improvements, additions and extensions without compensation therefor, or, at its option, may purchase the property and franchises of Reading Gas Company for \$600,000. Consumers Gas Company proposes to acquire the additional shares as an investment for its reserve fund which was created in 1934 to provide for the exercise of the option to purchase Reading Gas Company's property and franchises.

Section 10 of the Act is designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-7901; Filed, October 20, 1941;  
11:47 a. m.]